



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 27, 2023 - 05:30 PM  
REGULAR MEETING  
CITY HALL-COUNCIL CHAMBERS  
415 WEST UNIVERSITY DRIVE  
EDINBURG, TEXAS 78541**

**1. CALL MEETING TO ORDER, ESTABLISH QUORUM**

- A. Prayer
- B. Pledge of Allegiance

**2. CERTIFICATION OF PUBLIC NOTICE**

**3. DISCLOSURE OF CONFLICT OF INTEREST**

**4. PUBLIC COMMENTS**

- A. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please notify the Chairperson prior to the start of the meeting. A spokesperson for large groups is required. We ask for everyone's cooperation in following these procedures.

**5. THE FOLLOWING ARE THE MEETING PROCEDURES USED BY THE ZONING BOARD OF ADJUSTMENT:**

- A. All items are generally considered as they appear on the agenda, as each item is introduced.
- B. Staff will present its findings and recommendation on the item being considered.
- C. The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- D. Anyone in the audience desiring to speak in favor or in opposition may do so. A 3-5 minute time limit will be given to each person interested in speaking on the item. The use of a spokesperson for large groups of people will be required.
- E. Once the Chair closes the public hearing, the Board may question anyone and maintain any discussion which clarifies the proposal and will then take what action it believes to be appropriate.
- F. A minimum of four votes are required for an item to be approved by the Board.

## **6. MINUTES**

- A.** Consider Approval of the Minutes for the August 30, 2023 Regular Meeting

## **7. PUBLIC HEARINGS**

- A.** Consider Variance to the City's Unified Development Code Article 2, Section 2.206 Accessory Use and Structure Standards Non-Residential Uses (F2) Being Lots 13 through 21, Block 248, Edinburg Original Townsite Subdivision, Located at 621 East Cano, As Requested By Rachel Ann Hernandez
- B.** Consider Variances to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments and Section 7.102(D) (2); Nonconformities; General Provisions; Alteration, Enlargement, or Abandonment; Nonconforming Uses, Lot 60, Ebony Terrace No. 2 Unit C Subdivision, Located at 1207 Jo Ann Court, as Requested by Letisia Caballero
- C.** Consider Variance to the City's Unified Development Code Article 6, Section 6.106, Flood Damage Prevention, General Standards, Being a 4.03 gross, tract of land out of Lot D, Santa Cruz Ranch Subdivision and a 5.00 gross tract of land out of Lot D, Santa Cruz Ranch Subdivision, Located at 8820 North I69-C, As Requested By Armando and Lourdes Contreras
- D.** Consider Variance to the City's Unified Development Code Article 3, Section 3.302, Special Allowances, Being Lot 24, Post Oaks Subdivision, Located at 2408 River Oaks Lane, As Requested By Kenneth Bowman
- E.** Consider Variance to the City's Unified Development Code Article 2, Section 2.206 Accessory Use and Structure Standards Being Lot 8, Camarada Del Sol Subdivision (Unrecorded Subdivision), Located at 406 North M Road, As Requested By Manuel Perales Jr.
- F.** Consider Variance to the City's Unified Development Code Article 3, Section 3.202-1 Non Residential and Mixed Use Standards, Being Lot 2, a portion of tract of land containing 5.097 acres situated in the City of Edinburg, County Hidalgo, Texas, being a part or portion out of Lot 48, Santa Cruz Ranch Subdivision, Located at 4201 South I69-C, As Requested By Arturo Ortega
- G.** Consider Variance to the City's Unified Development Code Article 3, Section 3.102, Single Family Detached Lot and Building Standards, Setbacks, Being Lots 24 & 25, Pearl Estates Subdivision, Located at 1301 and 1209 Oscar Street, As Requested by Hugo Leal

## **8. INFORMATION ONLY**

- A.** Attendance Roster

## **9. ADJOURNMENT**

I hereby certify that this notice of meeting was posted in accordance with the Open Meetings Act, V.T.C.A., Government Code, Section 551.041, at the bulletin board located at the main entrance to the City offices of the City of Edinburg, (415 West University Drive), visible and accessible to the general public after regular working hours, at 5:00 P.M. on September 22, 2023.





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Claudia Mariscal, Administrative Assistant

**MEMBERS WHO ARE UNABLE TO ATTEND ARE ASKED TO NOTIFY THE  
PLANNING AND ZONING DEPARTMENT AT 956-388-8202**

**NOTICE**

**PERSONS WITH DISABILITIES WHO NEED TO COMMUNICATE MORE EFFECTIVELY WITH CITY OFFICIALS AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED ARE REQUESTED TO CONTACT THE OFFICE OF THE CITY SECRETARY AT (956) 388-8204 THREE WORKING DAYS PRIOR TO ANY MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.**



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
AUGUST 30, 2023 - 5:30 P.M.  
REGULAR MEETING  
COMMUNITY MEETING ROOM  
415 W. UNIVERSITY DR.  
EDINBURG, TEXAS 78539  
MINUTES**

**Members Present:**

Marc Moran - Chairperson  
Ponciano Longoria- Vice Chairperson  
Michael Cantu  
Ruben Ruiz  
Eliseo Garza Jr.  
Marc A. Gonzalez  
Diane Teter  
Gregory Vasquez  
Alexandra Rodriguez

**1. CALL MEETING TO ORDER, ESTABLISH QUORUM**

Chairperson Marc Moran called the meeting to order at 5:30 P.M.

**A.** Prayer – Prayer was announced.

**B.** Pledge of Allegiance - The Pledge of Allegiance was said.

**2. CERTIFICATION OF PUBLIC NOTICE**

Jaime Acevedo certified the agenda had been posted on August 25, 2023 at 4:50 P.M.

**3. DISCLOSURE OF CONFLICT OF INTEREST**

**4. PUBLIC COMMENTS**

- A. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please notify the Chairperson prior to the start of the meeting. A spokesperson for large groups is required. We ask for everyone's cooperation in following these procedures.

**5. THE FOLLOWING ARE THE MEETING PROCEDURES USED BY THE ZONING BOARD OF ADJUSTMENT:**

- A. All items are generally considered as they appear on the agenda, as each item is introduced.
- B. Staff will present its findings and recommendation on the item being considered.
- C. The party making the request may make a presentation and may address the Board on any issues arising during the discussion of the item being considered.
- D. Anyone in the audience desiring to speak in favor or in opposition may do so. A 3 minute time limit will be given to each person interested in speaking on the item. The use of a spokesperson for large groups of people will be required.
- E. Once the Chair closes the public hearing, the Board may question anyone and maintain any discussion which clarifies the proposal and will then take what action it believes to be appropriate.
- F. A minimum of four votes are required for an item to be approved by the Board.

**6. ABSENCES**

- A. Consider excusing the absence of board member Gregory Vasquez from the July 26, 2023 Regular Meeting

**BOARD MEMBER, MICHAEL CANTU MOVED TO CONSIDER APPROVAL OF EXCUSING THE ABSENCE OF BOARD MEMBER GREGORY VASQUEZ FOR THE JULY 26, 2023 REGULAR MEETING. SECONDED BY BOARD MEMBER, ELISEO GARZA. THE MOTION TO APPROVE CARRIED UNANIMOUSLY WITH A VOTE OF 8-0**

**7. MINUTES**

- A. Consider approval of the Minutes for the July 26, 2023 Regular Meeting

**BOARD MEMBER, MICHAEL CANTU MOVED TO CONSIDER APPROVAL OF THE MINUTES FOR THE JULY 26, 2023 REGULAR MEETING. SECONDED BY BOARD**

**MEMBER, DIANE TETER. THE MOTION TO APPROVE CARRIED UNANIMOUSLY WITH A VOTE OF 8-0**

## **8. PUBLIC HEARINGS**

**A. Consider Variance to the City's Unified Development Code, as follows: 1.) Section 3.102-1, Single Family Detached Building Standards, Setbacks and 2.) Section 5.207(F), Easements, Encroachments and Removal of Encroachments, Lot 4, The Heights on Wisconsin Phase III, Located at 1433 East Pinnacle Drive, As Requested By Javier Aguirre**

**MR. AGUIRRE, THE APPLICANT, WAS PRESENT AND ADDRESSED THE BOARD, HE STATED THAT HE WAS OK WITH THE VARIANCE REQUEST. MR JULIO CARRANZA WAS PRESENT AND EXPLAINED THE TYPE OF UTILITY THAT WAS THERE.**

**DURING THE DISCUSSION VICE CHAIRPERSON PONCIANO LONGORIA JOINED THE MEETING AT 5:40 P.M.**

**BOARD MEMBER DIANE TETER INQUIRED ABOUT OTHER PROPERTIES ASKING FOR VARIANCES BECAUSE OF UTILITY EASEMENTS, MR. JAIME ACEVEDO DIRECTOR OF PLANNING AND ZONING EXPLAINED THAT THIS WAS THE ONLY PROPERTY WITH A UTILITY EASEMENT.**

**AFTER THE DISCUSSION, A MOTION WAS MADE BY BOARD MEMBER, GREGORY VASQUEZ AND WAS SECONDED BY BOARD MEMBER RUBEN RUIZ JR. TO APPROVE THE VARIANCE REQUEST WITH FIVE FOOT SETBACKS AND TO BUILD WITH FIREWALLS. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 9-0.**

**B. Consider Variances to the City's Unified Development Code, Article 2, Section 2.206 Accessory Use and Structure Standards Non-Residential Uses (F2) Being Lots 13 through 21, Block 248, Edinburg Original Townsite Subdivision, Located at 621 East Cano, As Requested By Rachel Ann Hernandez**

**MS. RACHEL HERNANDEZ WAS PRESENT AND ADDRESS THE BOARD AND EXPLAINED THAT SHE NEEDED THE SHIPPING CONTAINER TO HOLD EXTRA EQUIPMENT FOR HER RESTAURANT. THE BOARD VOICED THEIR CONCERNS ABOUT HAVING THE ACCESSORY STRUCTURE ON A COMMERCIAL PROPERTY.**

**AFTER THE DISCUSSION, A MOTION WAS MADE BY VICE CHAIRPERSON, PONCIANO LONGORIA AND WAS SECONDED BY BOARD MEMBER MARC GONZALEZ TO TABLE THE VARIANCE REQUEST AND TO BE BROUGHT AT THE NEXT ZONING BOARD OF ADJUSTMENT MEETING. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 9-0.**

C.Consider Variance to the City's Unified Development Code, Article 3. Section 3.202-1 Non-Residential and Mixed Use Lot Standards, Floor Area Ratio, Being Lots 6 and 8, Block 2, Vela Subdivision, A resubddivision of the south 6.52 acres of the north 14.40 acres of lot 7, section 268, Texas Mexican Railway Company Survey, Located at 313 South Raul Longoria Road, As Requested By Julio Carranza

**MR. JULIO CARRANZA WAS PRESENT AND ADDRESSED THE BOARD AND EXPLAINED WHAT WAS GOING TO BE BUILT ON THE PROPERTY.**

**BEING NO FURTHER DISCUSSION MOTION WAS MADE BY BOARD MEMBER RUBEN RUIZ JR. AND WAS SECONDED BY BOARD MEMBER, ELISEO GARZA JR. TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED WITH A VOTE OF 8-1.**

D.Consider Variance to appeal the Administrator's Determination denying the Replat of Lot 10-A Lake James Unit No.2 UT 2 In accordance with Article 9, Section 9.604 Replat, Being Lot 10-A Lake James Unit No.2 UT 2, Located at 3006 Laurie Lane, As Requested By Alejandro Tey and Clara Tey

**MS. BERNADETTE SHAW WAS PRESENT AND WAS IN OPPOSITION. MR. ROY VELA WAS PRESENT TO REPRESENT ALEJANDRO AND CLARA TEY AND EXPLAINED THAT A HOUSE FOR A FAMILY WILL BE BUILT THERE.**

**BEING NO FURTHER DISCUSSION MOTION WAS MADE BY BOARD MEMBER GREGORY VASQUEZ AND WAS SECONDED BY VICE CHARIPERSON, PONCIANO LONGORIA TO APPROVE THE VARIANCE REQUEST. MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 9-0.**

## **10.INORMATION ONLY**

A. Attendance Roster

## **11.ADJOURNMENT**

There being no further business to consider, the meeting was adjourned at 6:47 P.M.

**MOTION WAS MADE BY BOARD MEMBER MICHAEL CANUT AND SECONDED BY BOARD MEMBER GREGORY VASQUEZ TO ADJOURN. THE MEETING AT 6:47 P.M. MOTION CARRIED UNANIMOUSLY.**

*Claudia Mariscal*

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Claudia Mariscal, Administrative Assistant  
Planning & Zoning Department

**MEMBERS WHO ARE UNABLE TO ATTEND ARE ASKED TO NOTIFY THE PLANNING AND ZONING DEPARTMENT AT  
956-388-8202**

**NOTICE**

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## Planning & Zoning Staff Report

Prepared on: September 18, 2023

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: September 27, 2023

#### Agenda Item

Consider Variance to the City's Unified Development Code Article 2, Section 2.206 Accessory Use and Structure Standards Non-Residential Uses (F2), Being Lots 13 through 21, Block 248, Edinburg Original Townsite Subdivision, Located at 621 East Cano Street, As Requested By Rachel Ann Hernandez

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#### Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Article 2, Section 2.206 Accessory Use and Structure Standards Non-Residential Uses (F2), as it applies to accessory structures in non-residential areas. The applicant has placed a modular shipping container on an adjoining empty lot for the storage of equipment for the main business.

#### Property Location and Vicinity

The property is located on the North side of East Cano Street between south 16<sup>th</sup> Avenue and South 17<sup>th</sup> Avenue. The property currently houses La Paloma Restaurant as well as a location next door formally known as Club Rio. The property is zoned Downtown (DD) District. Adjacent zoning is Downtown (DD) District in all directions. Surrounding land uses consist of commercial uses and some vacant land.

#### Background and History

The property is part of The Edinburg Original Townsite that consists of commercial business. These lots are all owned by the same owner. City of Edinburg Code Enforcement went out to location on May 23, 2023 and it was identified a modular shipping container was placed on a vacant lot without a obtaining a permit. Code Enforcement contacted the owner of the shipping container and it was mentioned the shipping container was purchased to store equipment for the adjacent restaurant La Paloma. On August 30, 2023 this request was presented to the Zoning Board of Adjustment and was tabled. At the time the board members requested the applicant consult with an engineer.

Staff mailed notice of this variance request to 55 neighboring property owners and received one letter in opposition the previous meeting.

#### Analysis

A modular storage container was placed on a vacant land without a primary structure located on the lot. The Unified Development Code also does not allow for the use of converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment shall not be used for storage.

**Recommendation**

Staff recommends denial of the variance request. If approved staff recommends the shipping container comply with setbacks and be screened from the public view. If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

**Anaisa Licerio**  
Planner II

Approved by:

**Jaime Acevedo**  
Director of Planning & Zoning



# UNIFIED DEVELOPMENT CODE

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(Ord. No. [2022-4764](#), 08/09/2022)

## ARTICLE 2 – ZONING DISTRICTS AND LAND USES

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### Division 2.200, Use Standards

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#### Sec. 2.206, Accessory Use and Structure Standards

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##### **F. Storage and Utility Sheds.**

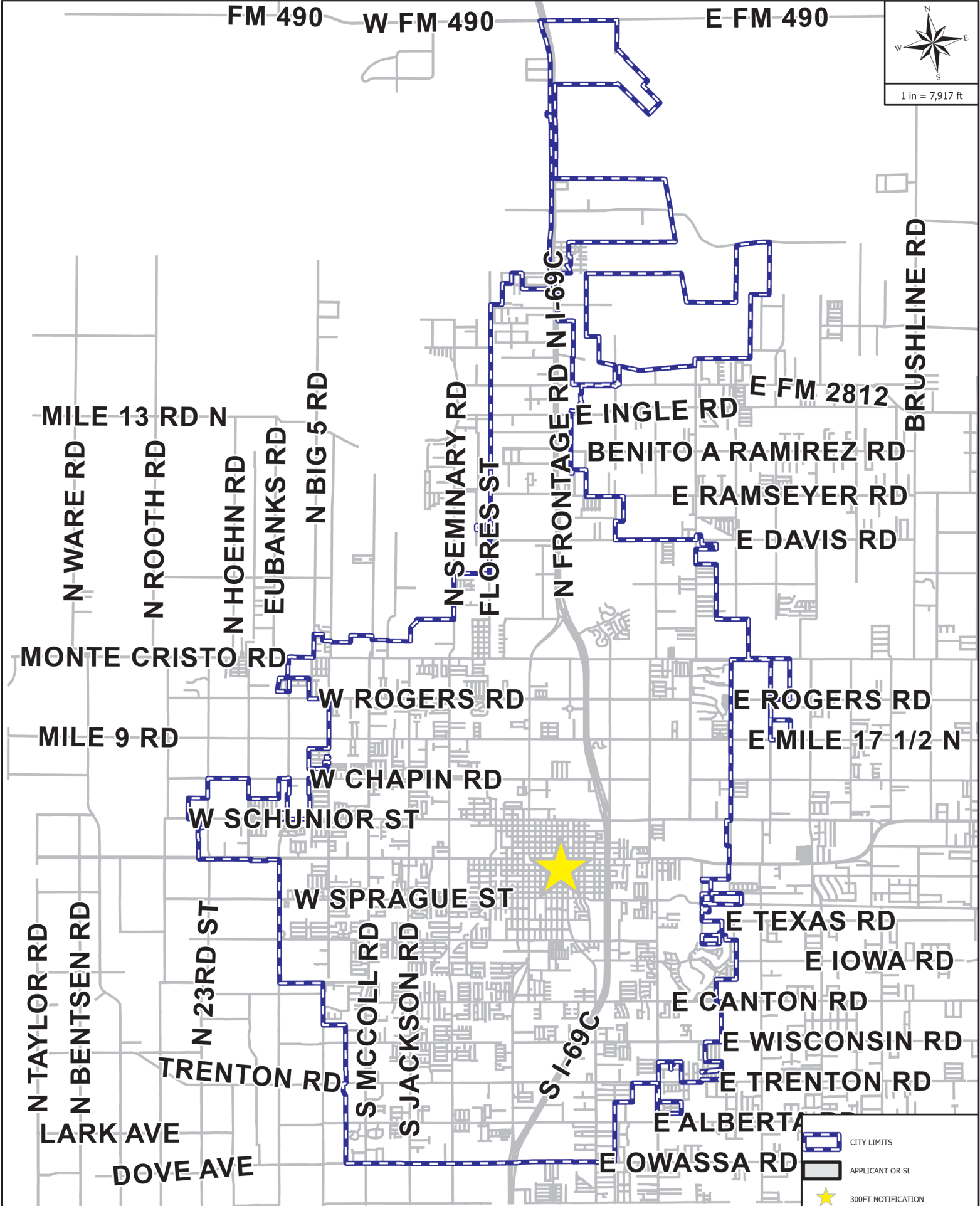
2. Nonresidential Uses. Storage buildings are permitted as accessory structures on nonresidential lots if it is demonstrated that:

- a. The floor area of any individual storage or utility building does not exceed 1,500 square feet.
- b. Storage and utility buildings are located only behind principal buildings, or if there is no principal building, at least 150 feet from street rights-of-way.
- c. Storage and utility buildings are completely screened from view from adjacent properties and public rights of way by hedges, buildings, or perimeter walls.
- d. Converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment shall not be used for storage.
- e. Storage and utility buildings are used for property maintenance purposes, and not for commercial uses or storage of goods for resale.

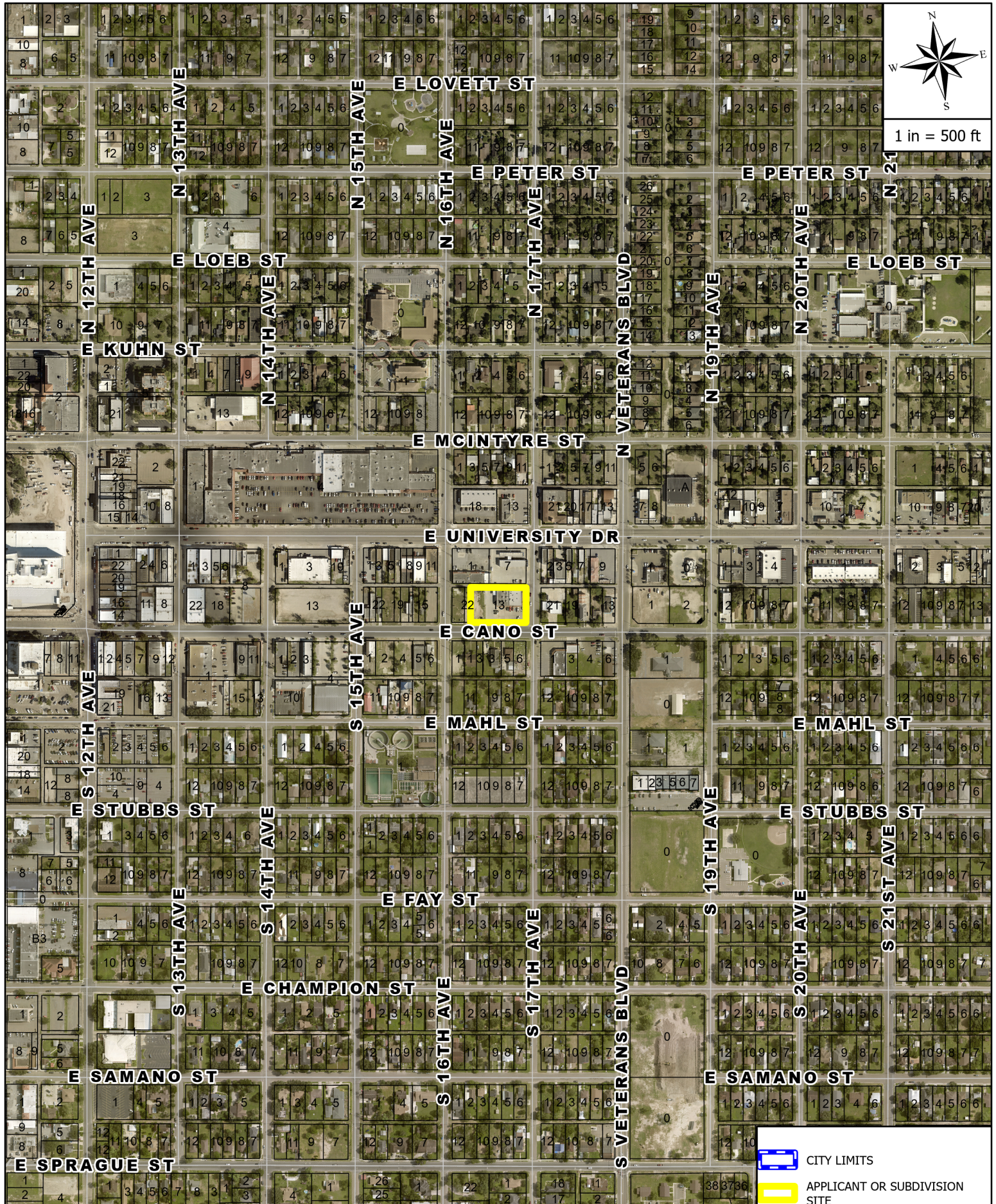
FM 490

W FM 490

E FM 490





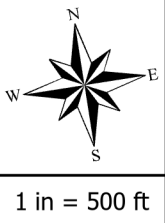
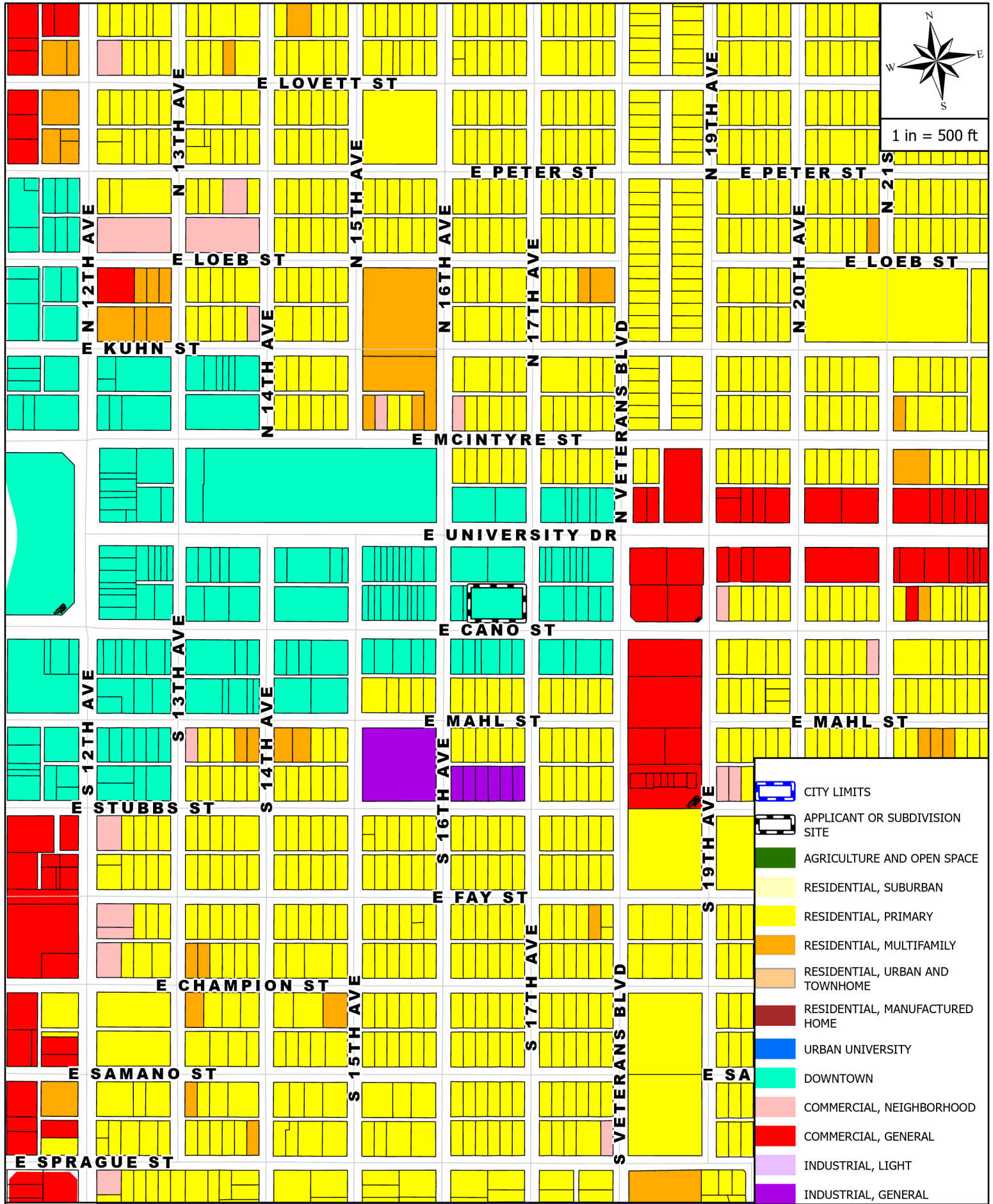


## AERIAL MAP

### APPLICANT AND/OR SUBDIVISION:

RACHEL HERNANDEZ VAR-2023-0185





## ZONING MAP

BA

APPLICANT AND/OR SUBDIVISION:

RACHEL HERNANDEZ VAR-2023-0185





## MAILOUT AND SITE MAP

### APPLICANT AND/OR SUBDIVISION:

RACHEL HERNANDEZ VAR-2023-0185



## Site Photo

**Rachel Ann Hernandez**

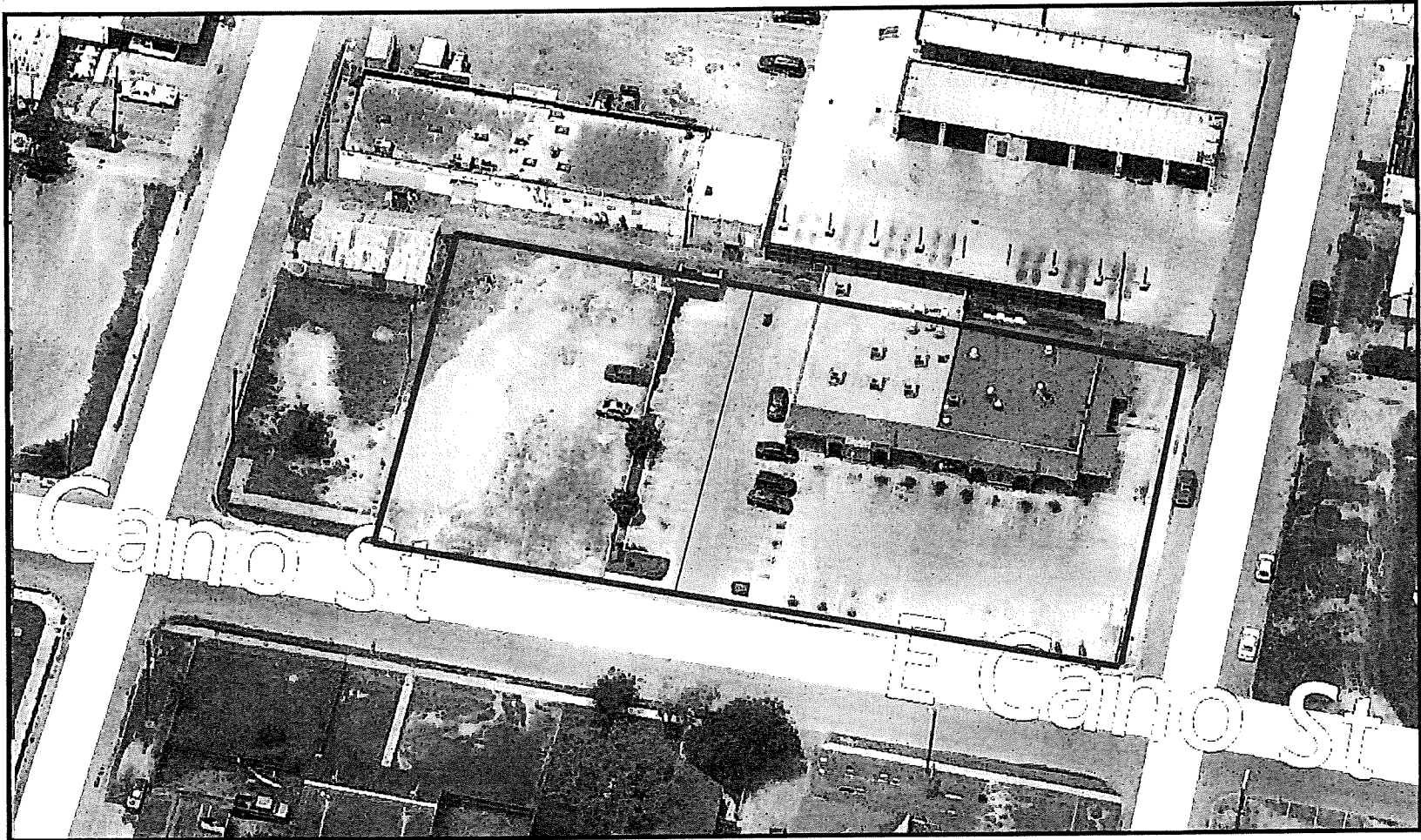
621 East Cano Street

Monday, May 22, 2023 at 4:42 PM  
Edinburg





## AERIAL PHOTOGRAPH

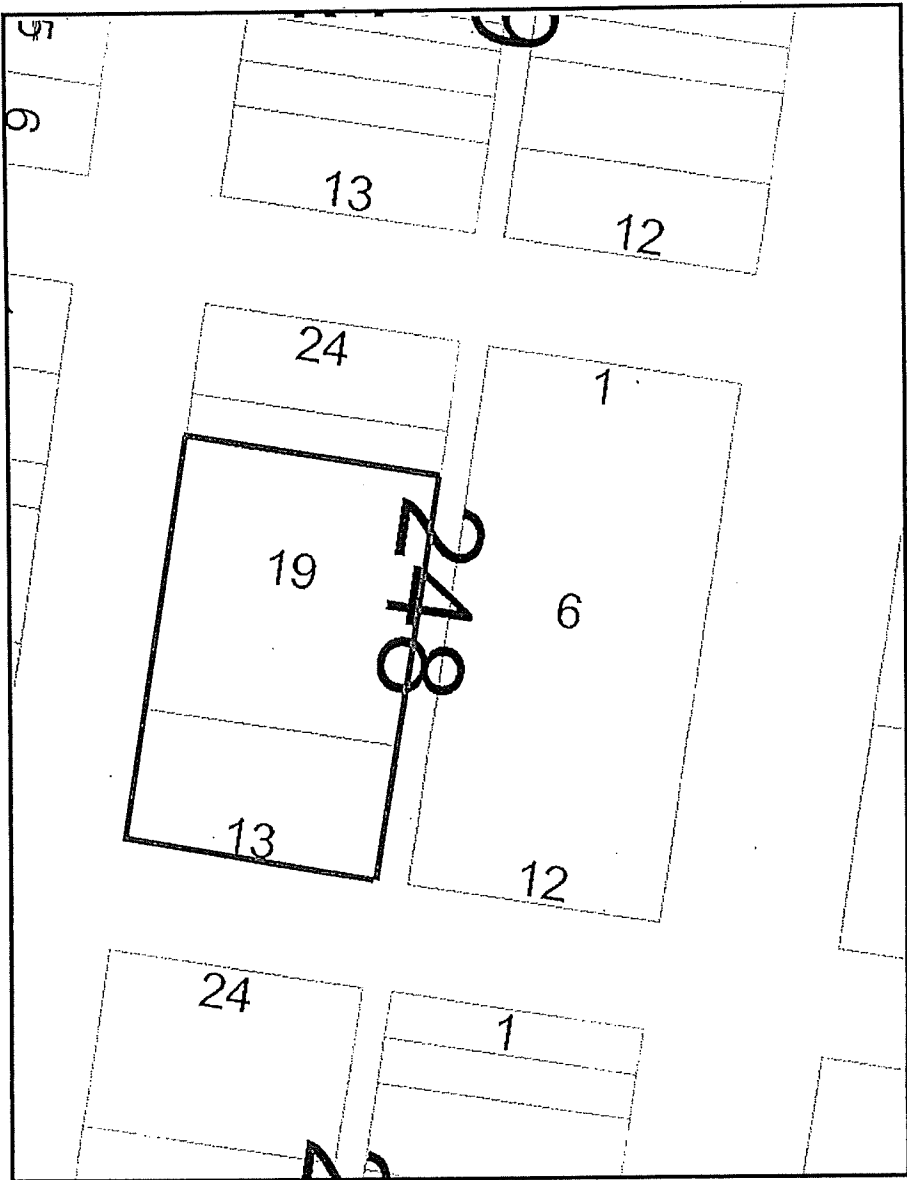


# RECORDED SUBDIVISION PLAT

[illegible]



# PARCEL MAP



## Planning & Zoning

415 West University Drive Edinburg,  
Texas 78539  
(956) 388-8202



THE CITY OF  
**Edinburg**

## Zoning Variance Application

ENERGOV CASE # VAR-2023-0185

Property Owner Name: Rachel Ann Hernandez

Owner Contact Information

Mailing Address: 621 E. Cano St. Edinburg Tx 78539  
Street Address City/State Zip Code

Phone (Home): \_\_\_\_\_ (Work): 956 316 1515 (Cell): 832-721-1182

Email: ayraguelita@aol.com

Agent/Applicant Name (if different than Owner): La Paloma Taqueria

Applicant Contact Information

Mailing Address: 621 E. Cano Edinburg Tx 78539  
Street Address City/State Zip Code

Phone (Home): \_\_\_\_\_ (Work): 956 316 1155 (Cell): \_\_\_\_\_

Email: \_\_\_\_\_

Property Address for Variance: Cano st. Edinburg Tx 78539  
Street Address City/State Zip Code

Property Legal Description: 13-20 248 Edinburg Townsite  
Lot Block Subdivision

empty gravel & grass lot

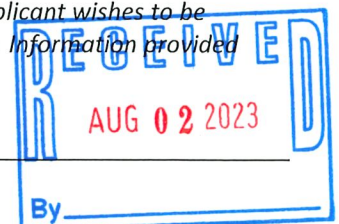
Present Property Zoning: store kitchen equipment Property ID#: \_\_\_\_\_

Nature of Request (cite all applicable issues needing variance):

Storage units <sup>too</sup> pricey / Containers flat fee. \$  
Beautification murals. no graffiti.

### Reason for Appeal

Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.



### OFFICE USE ONLY:

UDC Section(s) Requiring Variance: \_\_\_\_\_

Reviewed by: [Signature]

Date: 8/2/2023

**ZONING CASE  
OWNER NOTIFICATION LIST**

MARTINEZ DAVID & ORALIA  
3913 PELICAN AVE  
MCALLEN, TX 78504-5914

ZAMORANO RODOLFO SR  
921 S 19TH AVE  
EDINBURG, TX 78539-5816

CUEVAS HERMINIA E  
700 E UNIVERSITY DR  
EDINBURG, TX 78539-3630

GARCIA FELIPE & LUCRECIA  
PO BOX 356  
HIDALGO, TX 78557-0356

GRH INVESTMENTS LLC  
621 E CANO ST  
EDINBURG, TX 78539-4711

ROMERO IRMA G & MARIA GARCIA  
1007 E EBONY LN  
EDINBURG, TX 78539-5840

RAMIREZ ADALIA K & LICINIO GALDAMEZ  
GARCIA  
615 MAHL  
EDINBURG, TX 78539-4745

GARCIA REBECCA H  
1203 JOANN ST  
EDINBURG, TX 78539-6017

HESBROOK ESTELA O  
612 E CANO ST  
EDINBURG, TX 78539-4712

HESBROOK ESTELA O  
612 E CANO ST  
EDINBURG, TX 78539-4712

CARAVERO YOLANDA  
909 PEREGRIN DR  
EDINBURG, TX 78542-1163

GONZALEZ LEONARDA & LEONARDO  
CAMERO  
709 E MAHL ST  
EDINBURG, TX 78539-4747

ZAMORA EDDY G  
2426 LLANO GRANDE LN  
EDINBURG, TX 78542-2640

615 EAST UD LLC  
615 E UNIVERSITY DR  
EDINBURG, TX 78539

CUEVAS HERMINIA E  
2510 N CLOSNER BLVD  
EDINBURG, TX 78541-5452

AMAAA GROUP INC  
622 E LOEB  
EDINBURG, TX 78539

ROSILLO ADOLFO  
212 UNIVERSITY DR  
EDINBURG, TX 78539-3548

ROMERO MIGUEL A  
PO BOX 176  
EDINBURG, TX 78540-0176

LEAL JESUS JR  
521 E CANO ST  
EDINBURG, TX 78539-4709

GARZA JAVIER & MARIA A  
910 FRANCIS DR  
EDINBURG, TX 78542-5132

SOLIS JUAN & NATALIA  
623 E MAHL ST  
EDINBURG, TX 78539-4745

**ZONING CASE  
OWNER NOTIFICATION LIST**

GALDAMEZ HERMELINDA DE T  
615 E MAHL ST  
EDINBURG, TX 78539-4745

GARZA ALFREDO RUBEN  
1920 MARY AVE  
EDINBURG, TX 78539-5952

TIJERINA GLORIA  
1009 E FAY ST  
EDINBURG, TX 78539-4941

SOLIS JOSEFINA  
6000 CHERRY CREEK DR  
AUSTIN, TX 78745-3422

ROMERO MIGUEL A  
PO BOX 176  
EDINBURG, TX 78540-0176

SANTANA JUDITH M  
2720 LESLIE ST  
EDINBURG, TX 78539-3721

CUEVAS HERMINIA E  
700 E UNIVERSITY DR  
EDINBURG, TX 78539-3630

TREVINO SERGIO & JULIE  
7 FRANK LN  
RIO GRANDE CITY, TX 78582

MORIN MATIAS C  
719 E CANO ST  
EDINBURG, TX 78539-4713

GARCIA REBECCA H  
1203 JOANN ST  
EDINBURG, TX 78539-6017

MORIN SANTOS L & SYLVIA S  
717 E CANO ST  
EDINBURG, TX 78539-4713

ESTEVEZ ROSALINDA  
1302 S ATHOL ST  
PHARR, TX 78577-6217

PARRA LOAN CO  
744 E WASHINGTON ST  
BROWNSVILLE, TX 78520-5907

EL BUEN PASTOR  
705 E UNIVERSITY DR  
EDINBURG, TX 78539-3629

FRAGA ISIDRO & KANG  
2111 DEBBIE DR  
EDINBURG, TX 78542-5121

GRH INVESTMENTS LLC  
621 E CANO ST  
EDINBURG, TX 78539-4711

ALEJOS JOSE ENRIQUE  
1209 S VETERANS BLVD  
EDINBURG, TX 78539-5809

TEXAS FINANCIAL INVESTMENTS LLC  
706 E UNIVERSITY DR  
EDINBURG, TX 78539-3630

ALDRETE BALTAZAR JR  
520 E CANO ST  
EDINBURG, TX 78539-4710

PALACIOS NICOLAS JR  
2919 N KENYON RD  
EDINBURG, TX 78542-1597

BERGERON GARY JOSEPH  
524 E CANO ST  
EDINBURG, TX 78539-4710

CANTU ALMA VIOLA  
3304 N VERONICA LN  
EDINBURG, TX 78542-8640

**ZONING CASE  
OWNER NOTIFICATION LIST**

ALEJOS JOSE E  
524 E UNIVERSITY DR  
EDINBURG, TX 78539-3552

ROMERO IRMA G & MARIA GARCIA  
1007 E EBONY LN  
EDINBURG, TX 78539-5840

CORONA LETICIA  
515 E CANO ST  
EDINBURG, TX 78539-4709

CAVAZOS HILARIO  
701 E MCINTYRE  
EDINBURG, TX 78541-3621

HESBROOK ESTELA O  
612 E CANO ST  
EDINBURG, TX 78539-4712

AGUILAR JOSE I SR  
4218 LOAN OAK  
HOUSTON, TX 77093-3716

HINOJOSA ERIKA YVETTE ETAL  
1815 CASSANDRA  
MISSION, TX 78542

GONZALEZ IRMA & CAMILA VENEGAS  
PO BOX 1506  
MCALLEN, TX 78505

ZAMORA EDDY G  
2426 LLANO GRANDE LN  
EDINBURG, TX 78542-2640

B-Y EDINBURG CENTER LTD  
4629 MACRO  
SAN ANTONIO, TX 78218-5420

GARCIA TORIBIO  
420 W FAY ST  
EDINBURG, TX 78539-4329

FLORES FRANCISCO  
10509 N WARE RD  
MCALLEN, TX 78504





## NOTIFICATION

Dear Property Owner:

A public hearing will be held on Wednesday, August 30, 2023, at 5:30 P.M. in the Edinburg City Hall, City Council Chambers, located at 415 West University Drive, at which time the Zoning Board of Adjustment will consider the following:

**CONSIDER VARIANCE TO THE CITY'S UNIFIED DEVELOPMENT CODE ARTICLE 2, SECTION 2.206 ACCESSORY USE AND STRUCTURE STANDARDS NON-RESIDENTIAL USES (F2), BEING LOTS 13 THROUGH 21, BLOCK 248, EDINBURG ORIGINAL TOWNSITE SUBDIVISION, LOCATED AT 621 EAST CANO, AS REQUESTED BY RACHEL ANN HERNANDEZ**

All property owners within 300 ft. of the subject property are sent this notice. The City is using this notice to solicit your input, but no action or response is required. Please note that the meeting date, time, and agenda are subject to change. Please call on the date of the meeting to verify an item will proceed as planned. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, August 29, 2023
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Tuesday, August 29, 2023

Please check the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☐ In Favor/A Favor

☒ Against/En Contra

☐ No Comments/No Comentario

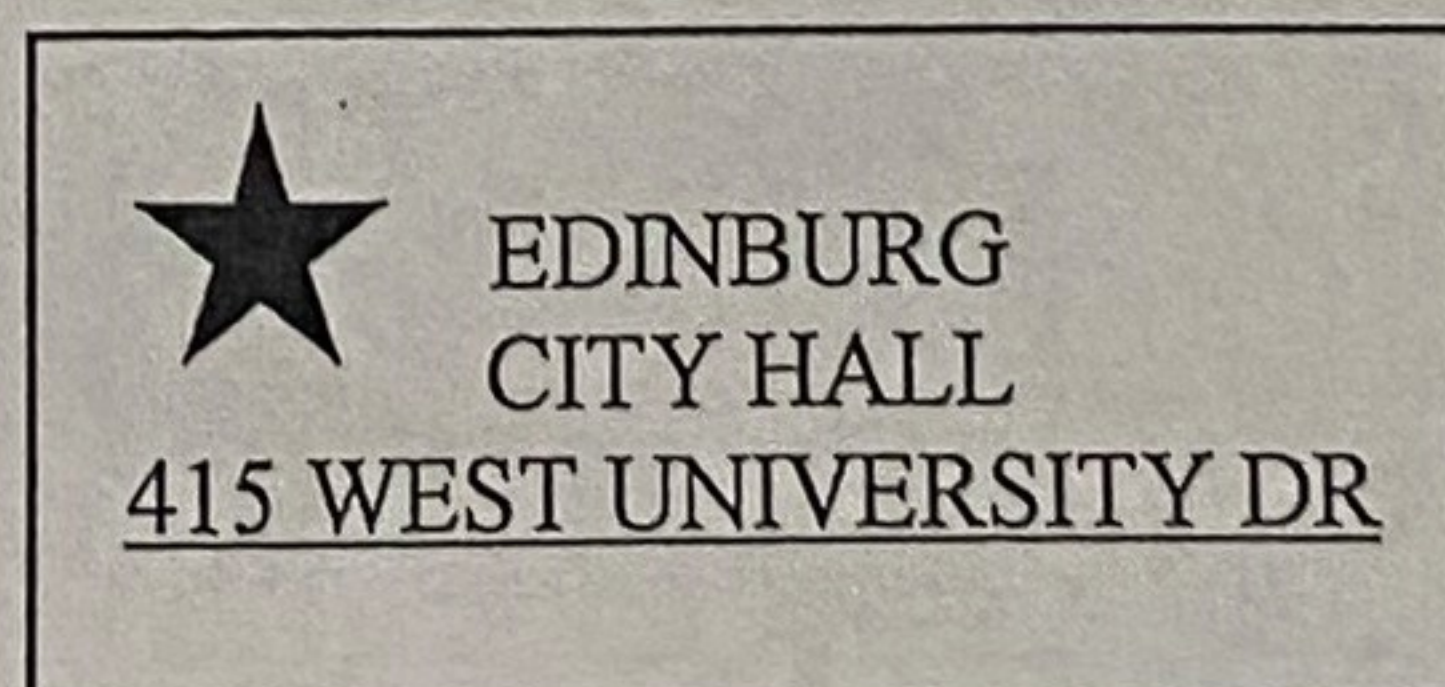
Comments: The container has trash around it and doesn't look like they clean the area where the container is at.

Print Name: Vanessa Aguilar Phone No. 832-477-3165  
Address: ~~4014 E. Main St.~~ 619 E. Mahl St. City: Edinburg State: TX Zip: 78539

## NOTIFICACIÓN

Si tiene preguntas o necesita información sobre esta aplicación en español, por favor llame al 956-388-8202.

Planning and Zoning Department  
City of Edinburg  
PO BOX 1079  
Edinburg, TX 78540-1079



8<sup>th</sup> Ave.

University Dr. (S.H.107)



## **Planning & Zoning Staff Report**

Prepared on: September 20, 2023

### **ZONING BOARD OF ADJUSTMENT**

Regular Meeting: September 27, 2023

#### **Agenda Item**

Consider Variances to the City's Unified Development Code, Section 5.207(F), Easements, Encroachments and Removal of Encroachments and Section 7.102(D)(2); Nonconformities; General Provisions; Alteration, Enlargement, or Abandonment; Nonconforming Uses, Lot 60, Ebony Terrace No. 2 Unit C Subdivision, Located at 1207 Jo Ann Court, as requested by Letisia Caballero

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#### **Request**

The applicant is requesting variances to the City's Unified Development Code, Section 7.207(F) as it applies to Easements and encroachments and Section 7.102(D)(2) as it applies to the alterations of nonconforming structures. The applicant has constructed an outdoor restroom and concrete pad over an easement. Survey submitted indicated there is a 10-foot easement located on the northwest side of the property.

#### **Property Location and Vicinity**

The property is located at the end of the cul-de-sac of Jo Ann Court and is zoned Residential Primary (RP) District. Adjacent zoning is Residential Primary (RP) District in all directions. Surrounding land uses is Single Family Residential Uses.

#### **Background and History**

The property is part of the Ebony Terrace 2 Unit C Subdivision that was recorded in May of 1975. The property is about 12,000 square feet. The applicant mentioned that a previous contractor had started the construction on the structure and was under the impression a building permit was obtained. It was then when a new contractor was hired and a building permit for an accessory structure was formally submitted on March 31, 2023. After review from the staff it was indicated the accessory structure had been built over the 10-foot utility easement located on the northwest side of the property.

This item was brought before the board at the regular meeting on May 31, 2023 and was tabled pending a new survey and clarification on the location of the water and sewer lines. A new survey was conducted on September 18, 2023 and it appears the home is as well encroaching 5.7 feet into the 10 foot utility easement in question.

Staff mailed notice of this variance request to 35 neighboring property owners. Five (5) comments in favor and eight (8) against this request had been received at the time this report was prepared.

### **Analysis**

A 10-foot utility easement is located on the northwest side of the property. An outdoor patio area is located in the area and the applicant is wanting to add an outdoor restroom and concrete pad to the structure thus making it non-compliant. The structure was initially built without a permit and is wanting to come to compliance.

### **Recommendation**

Staff recommends denial of the variance request. If approved, the applicant will need to comply with all other requirements during the permitting process such as building and fire codes. If approved, staff recommends a hold harmless agreement be signed as well as a \$40 fee payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, survey, site plan, and application from the property owner are attached for the Board's consideration.

#### **Prepared by:**

**Rita Lee Guerrero**

Assistant Director of Planning & Zoning

#### **Approved by:**

**Jaime Acevedo**

Director of Planning & Zoning



# UNIFIED DEVELOPMENT CODE

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(Ord. No. [2022-4764](#), 08/09/2022)

## ARTICLE 5 - SUBDIVISION STANDARDS

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### Division 5.200, Subdivision Design Standards

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#### Sec. 5.207, Easements

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During development approval, the City may require the granting of a variety of easements on private property or lots. These easements may be for any of the following purposes: drainage, utilities, access to public utilities or drainage areas, fire protection, pedestrian access, and conservation. The following standards shall apply to easements:

- A. Utility Easement Width and Location.** Where required, all lots shall provide utility easements for sewer, water, gas, telecommunications, or other public utilities that are necessary or desirable to serve the subdivision. Their width and location shall be as follows:
1. Utility easements shall be a minimum of 10 feet wide.
  2. Utility easements shall be located in street rights-of-way, alleys, and front, side, or rear yards, as determined by the City in accordance with the particular plans and layout of the utility or other service providing company.
  3. Easements that fall on shared side or rear lot lines shall be of equal dimensions on both lots involved, unless specifically authorized by the City.
  4. Where attached housing types are involved and yards are enclosed or very narrow, easements shall be placed in open space areas for maintenance purposes.
- B. Drainage Easements.**
1. *Generally.*
    - a. To the extent possible, existing surface drainage patterns shall be protected by easements or open space. In addition, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate.
    - b. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, the applicant shall provide an easement or right-of-way with a location that is substantially the limit of such watercourse, plus additional width to accommodate future maintenance needs. Such easement or right-of-way shall be a minimum of 75 feet from its centerline to the edge of the easement and shall be designed in accordance with the [Engineering Standards Manual](#).
  2. *Drainage Facilities.* Drainage facilities shall be provided and constructed at the expense of the subdivider pursuant to the City's drainage policy, master plans, and as specified by the City Engineer. In addition, all drainage facilities shall comply with the Hidalgo County master drainage requirements.
  3. *Dedication Required.*
    - a. Dedication of drain ditch easements shall be made in accordance with the following:
      - i. Thoroughfare plans;
      - ii. Drainage master plans;
      - iii. County drainage master plans; and
      - iv. Texas Department of Transportation (TxDOT) regulations.
    - b. In the event of demonstrated site constraints, the drain ditch shall be reserved on the subdivision plat as a drainage easement. The easement shall include provisions that, when necessary, it will be used for roadway improvements at no cost to the City and that no improvements shall be constructed within the easement.
- C. Fire Protection Easements.** Fire protection access lanes at the front, rear, and side of a building, where required by the Fire Marshal, shall be improved with concrete paving at a width of 20 feet, with appropriate turning radii for the City's fire protection equipment.

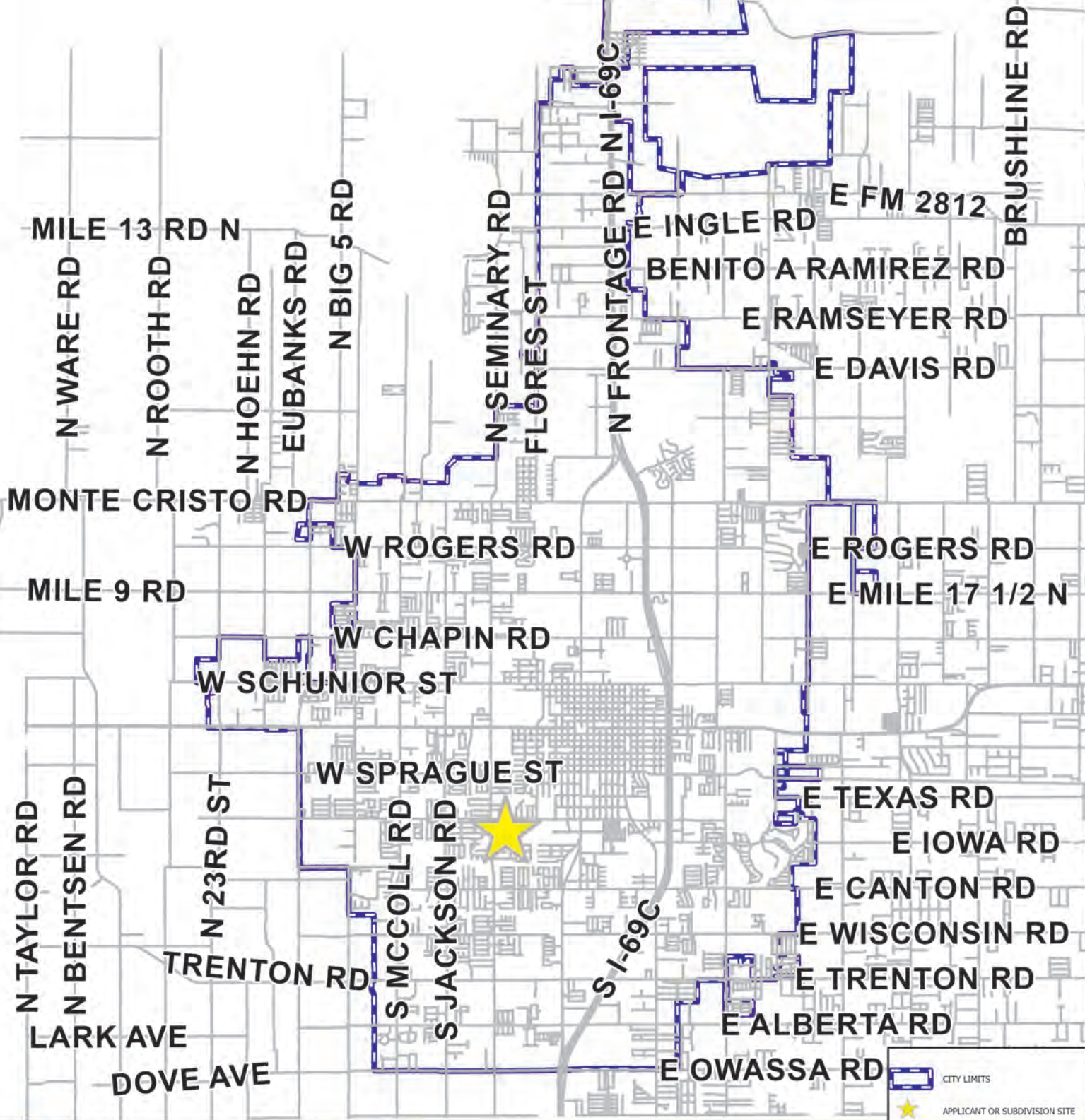
- D. Pedestrian Access Easements.** Pedestrian access easements may be required in accordance with Paragraph 5.202.E.6, *Mid-Block Pedestrian Connections*.
- E. Conservation Easements.** The City shall require conservation easements to preserve open space and protect natural resources. Conservation easements shall exclude other easements that would result in the disturbance of the land, provided, however, pedestrian access easements may be permitted. The conservation easements shall be in a form approved by the City Attorney. All conservation easements shall run in favor of two parties: all lots in the development and the City.
- F. Encroachments and Removal of Encroachments.** No permanent encroachment or structures shall be allowed to be located within the area of any easement required by this Section. The City shall have the right to remove any encroachment, structures, landscaping, or any other improvements placed upon such easements. The City may assess the cost of removing an unauthorized improvement from an easement against the landowner, including the placing of a lien on the property.

Effective on: 8/9/2022

FM 490

W FM 490

E FM 490



EDINBURG NEW DEVELOPMENT MAP

APPLICANT AND/OR SUBDIVISION:

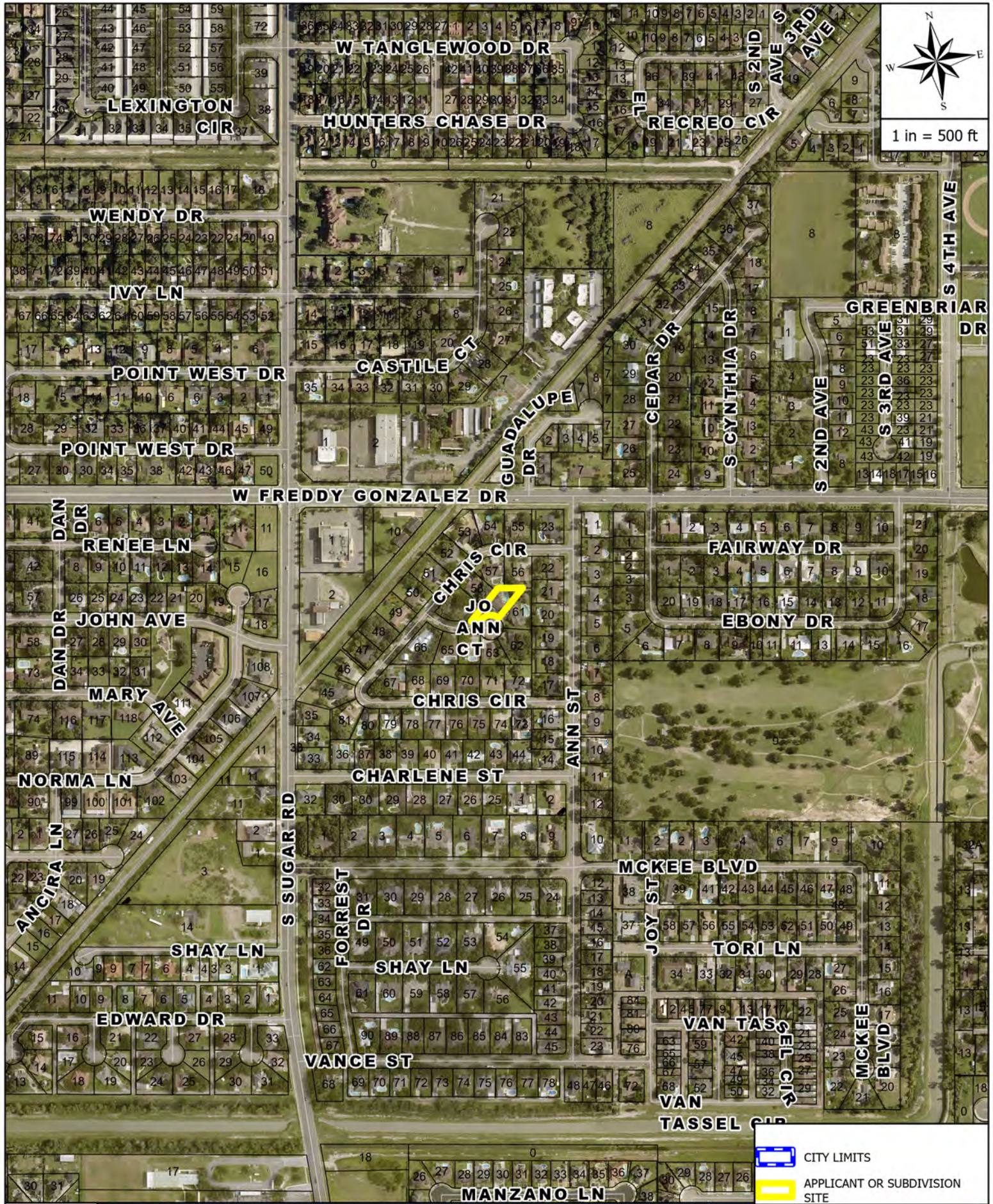
PEDRO TIJERINA / ALMA TIJERINA





CITY LIMITS

★ APPLICANT OR SUBDIVISION SITE





1 in = 500 ft

-  CITY LIMITS
-  APPLICANT OR SUBDIVISION SITE

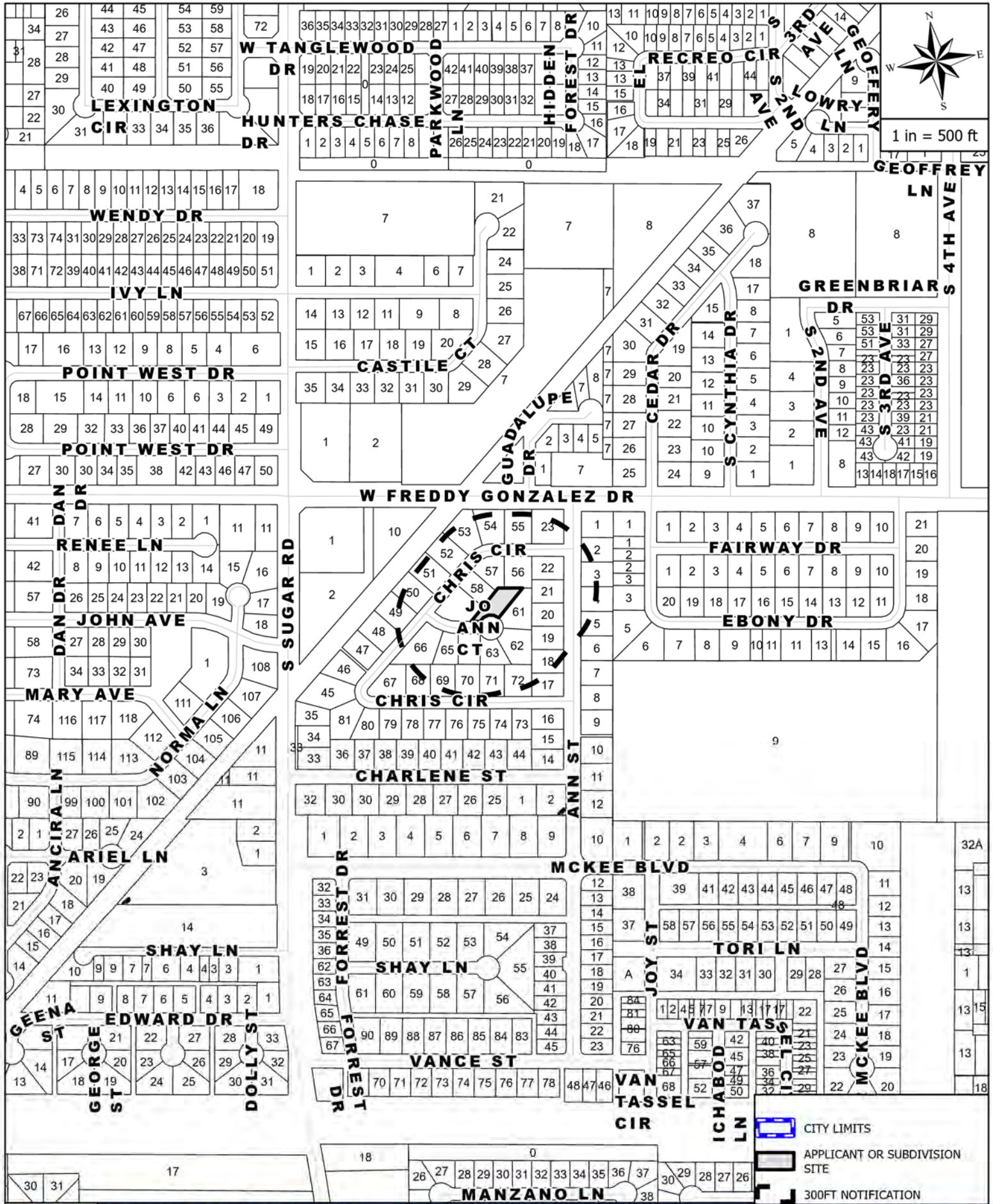


**AERIAL MAP**  
**APPLICANT AND/OR SUBDIVISION:**  
**LETISIA CABALLERO**









**MAILOUT AND SITE MAP**  
**APPLICANT AND/OR SUBDIVISION:**  
**LETISIA CABALLERO**



# Zoning Board of Adjustment

Site Photos for meeting of September 27, 2023

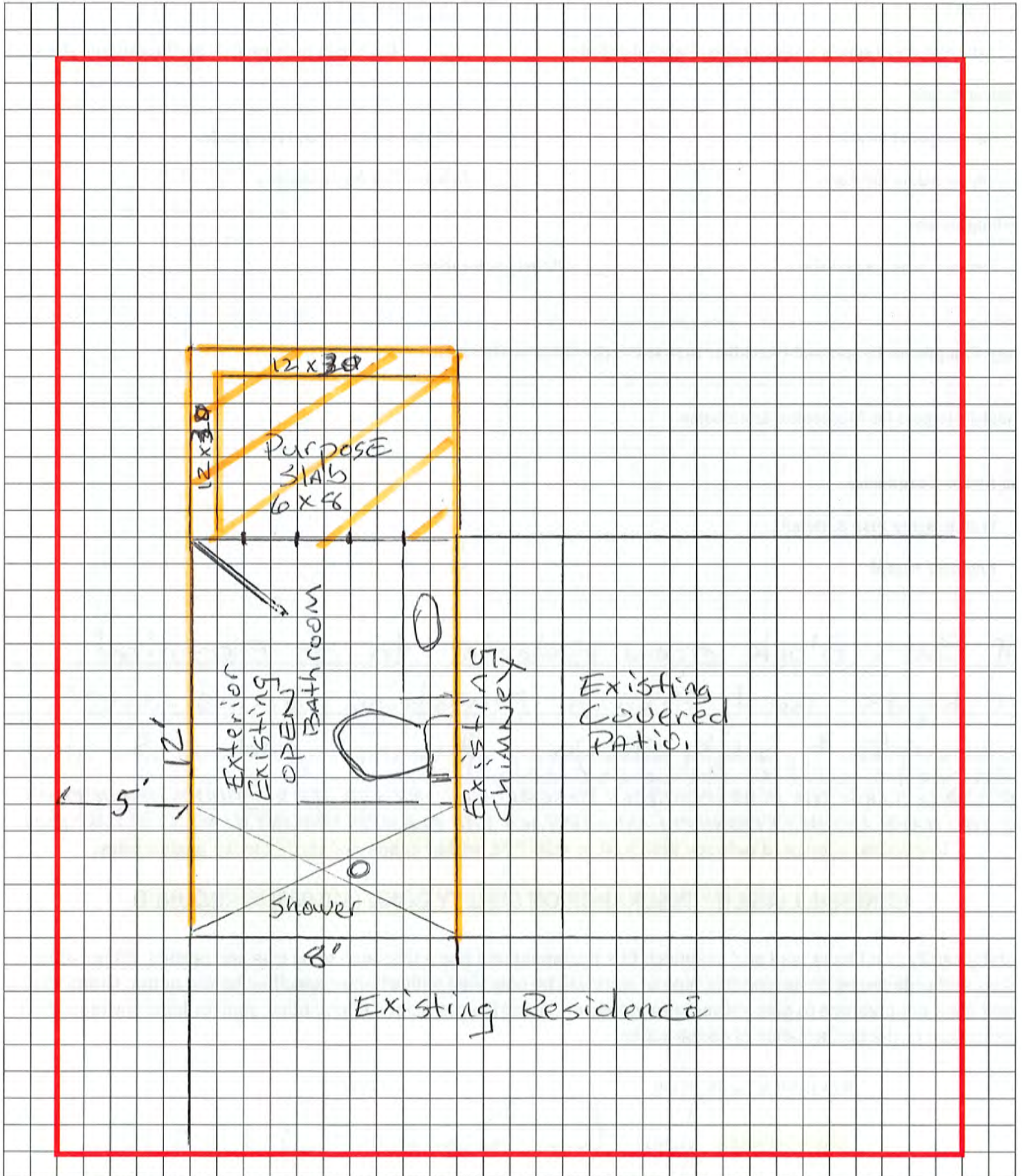
1207 JoAnn Court





Manuel Cavazos, CH  
MANUEL CAVAZOS, CHAIRMAN





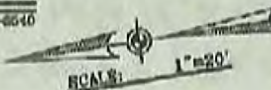
\*\*\*IRREGULAR LOTS WILL BE REQUIRED TO SUBMIT A SURVEY\*\*\*





# ART SALINAS ENGINEERING & SURVEYING

1004 DOVE AVENUE, MOBILE, TEXAS 76864 PH (505) 618-6505 FAX (505) 618-6510



**LOT 56**

**LOT 61**

**LOT 60**  
(13,184.67 S.F.)

**LOT 57**

**LOT 58**

**LOT 59**

ADJACENT LAND OWNER INFO  
OWNER: JIMMY & JILL KAPPALEZ  
ADDRESS: 1900 S. I. St. No. H153206,  
MOBILE, AL

**FLOOD HAZARD INFORMATION:** The property shown herein lies in Zone "X". Zone "X" areas are areas determined by a certified engineer's flood study as per FEMA Flood Insurance Rate Map Panel No. 45021-0000-0 dated 00-09-00.

**NOTES:**

1. There are no easements, right of way or boundary lines, any encroachments, or any other thing of importance, except as shown or noted herein.
2. This survey was prepared in accordance with the Public Land Survey Act and does not guarantee title. This survey is for the exclusive use of the client and is not to be used for any other purpose without the written consent of the engineer.
3. If any survey shows any error in calculation, and any other error, it is the responsibility of the client to correct the same before the survey is used for any other purpose.
4. The survey was prepared under the supervision of the engineer and is subject to the provisions of the Professional Land Surveying Practice Act.
5. The survey was prepared under the supervision of the engineer and is subject to the provisions of the Professional Land Surveying Practice Act.
6. The survey was prepared under the supervision of the engineer and is subject to the provisions of the Professional Land Surveying Practice Act.
7. The survey was prepared under the supervision of the engineer and is subject to the provisions of the Professional Land Surveying Practice Act.
8. The survey was prepared under the supervision of the engineer and is subject to the provisions of the Professional Land Surveying Practice Act.

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE STANDARD LAND SURVEY ON THE GROUND OF PROPERTY WHICH IS LOCATED AT 1207 JO ANN COURT, IN MOBILE, TEXAS, DESCRIBED AS FOLLOWS: ALL OF LOT 60 AND THE EAST 5 FEET OF LOT 61, ECHY TERRACE NO. 2, UNIT C, AN ADDITION TO THE CITY OF MOBILE, MOBILE COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 19, PAGE 72, MAP RECORDS, IN THE OFFICE OF THE COUNTY CLERK OF MOBILE COUNTY, TEXAS, REFERENCE TO WHICH IS NOW MADE FOR ALL PURPOSES.

**LEGEND**

- - DENOTES FOUND 1/2" ROD
- - DENOTES FOUND 5/8" PIPE
- - DENOTES NO MONUMENT

05-2018  
Job No.

05-18-08  
Date

© COPYRIGHT 2008 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN WHOLE OR IN PART FOR THE USE OF THE CLIENT. NO OTHER USE IS PERMITTED WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

Registered Professional Land Surveyor No. 4862







## NOTIFICATION

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**CONSIDER VARIANCES TO THE CITY'S UNIFIED DEVELOPMENT CODE, SECTION 5.207(F), EASEMENTS, ENCROACHMENTS AND REMOVAL OF ENCROACHMENTS AND SECTION 7.102(D)(2); NONCONFORMITIES; GENERAL PROVISIONS; ALTERATION, ENLARGEMENT, OR ABANDONMENT; NONCONFORMING USES, LOT 60, EBONY TERRACE NO. 2 UNIT C SUBDIVISION, LOCATED AT 1207 JO ANN COURT, AS REQUESTED BY LETISIA CABALLERO**

All property owners within 300 ft. of the subject property are sent this notice. The City is using this notice to solicit your input, but no action or response is required. Please note that the meeting date, time, and agenda are subject to change. Please call on the date of the meeting to verify an item will proceed as planned. Should you have any questions or need more information regarding this notice, you may call (956) 388-8202.

You may return your response by one of the following:

- MAIL: P. O. Box 1079 Edinburg, Texas 78540
- FAX: (956) 292-2080 by Tuesday, September 26, 2023
- EMAIL: [planning@cityofedinburg.com](mailto:planning@cityofedinburg.com) by Tuesday, September 26, 2023

Please check the appropriate box to indicate if you are in favor, against, or have no comments on this request.

☐ In Favor/A Favor ☒ Against/En Contra ☐ No Comments/No Comentario

Comments: *This notice is very ambiguous and does not mention what exactly party will be doing and why? Is this abutting my home? Will it affect access to my easement?*

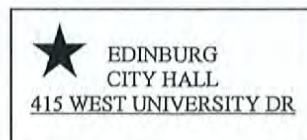
Print Name: *GARZA, FRANCISCO X. & HILDA A.* Phone No. \_\_\_\_\_

Address: *1719 Ann St.* City: *Edinburg* State: *TX* Zip: *78539*

## NOTIFICACIÓN

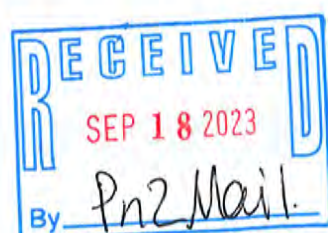
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Planning and Zoning Department  
City of Edinburg  
PO BOX 1079  
Edinburg, TX 78540-1079



University Dr. (S.H.107)

8th Ave.







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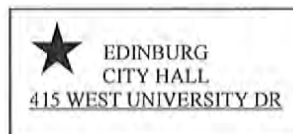
Comments: \_\_\_\_\_

Print Name: Eddie Vargas Phone No. 407-4008  
Address: 1205 Chas Conde City: Edinburg State: TX Zip: 78585

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Dropped off in person

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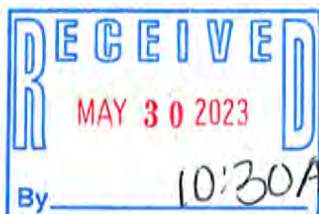
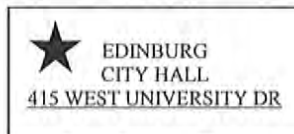
Comments: \_\_\_\_\_

Print Name: Esperanza Lopez Phone No. (956) 293-0172 (956) 789-2266  
Address: 1204 Chris Circle City: Edinburg State: TX Zip: 78539

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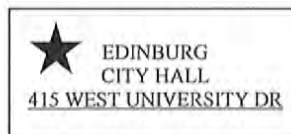
Comments: *I Am Against this, I do not think you should ever build A foundation over a utility lines etc. Future repairs may be hindered.*

Print Name: *FRANK X. GARZA (Hilda Garza)* Phone No. *956-666-8680*  
Address: *1719 Ann St.* City: *Edinburg* State: *TX* Zip: *78539*

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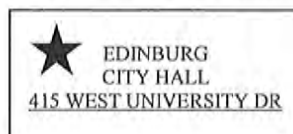
Comments: \_\_\_\_\_

Print Name: FRED R. GUERRA Phone No. 956-383-4468  
Address: 1615 ANN STREET City: EDINBURG State: TX Zip: 78539

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Planning and Zoning Department  
City of Edinburg  
PO BOX 1079  
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*Dropped off in person*

University Dr. (S.H.107)

8<sup>th</sup> Ave.





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Comments:

*not following Rules*

*1. Building Permits*

*2. Respecting Set Aside boundaries etc Property*

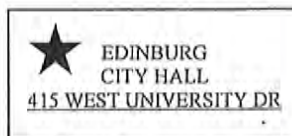
Print Name: *JUAN L. TREVIÑO* Phone No. *956-448-7251*

Address: *1206 Chris Circle* City: *Edinburg, TX* State: *5/30/23* Zip: *78539*

## NOTIFICACIÓN

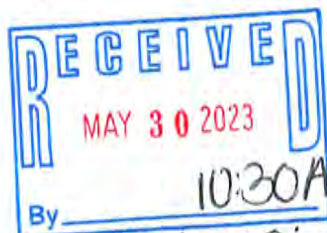
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Planning and Zoning Department  
City of Edinburg  
PO BOX 1079  
Edinburg, TX 78540-1079



University Dr. (S.H.107)

8th Ave.



*Dropped off in person*





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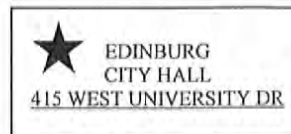
Comments: *property owners are not/should not build outside of their property line. If city code enforcement approved on the above address same on them.*

Print Name: *Ricardo Pumarejo* Phone No: *(956) 393-1222*  
Address: *1203 Chris Circle* City: *Edinburg* State: *Texas* Zip: *78539*

## NOTIFICACIÓN

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Planning and Zoning Department  
City of Edinburg  
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8th Ave.





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☐ In Favor/A Favor

☒ Against/En Contra

☐ No Comments/No Comentario

Comments: \_\_\_\_\_

*Martha Garcia R. 60*

Print Name: Robert & Martha Garcia Phone No. 956-492-8720

Address: 1209A Chris Circle City: Edinburg State: TX Zip: 78539

## NOTIFICACIÓN

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### Planning and Zoning Department

City of Edinburg  
PO BOX 1079  
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*Dropped off in person*

University Dr. (S.H.107)

8<sup>th</sup> Ave.



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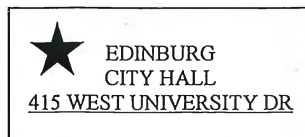
Comments: \_\_\_\_\_

Print Name: David Sinder Phone No. 457-9379  
Address: 1616 Ann St. City: Edinburg State: TX Zip: 78538

## NOTIFICACIÓN

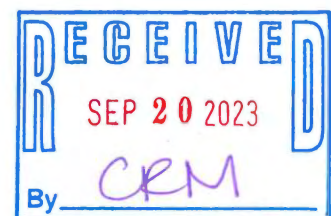
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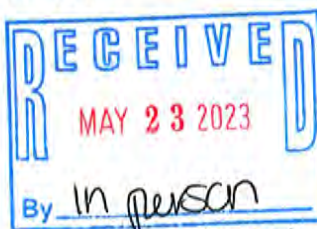
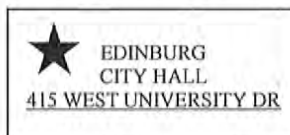
Comments: \_\_\_\_\_

Print Name: ESPERANZA TORRES Phone No. (956) 318 0838  
Address: 1206 JO ANN CT City: EDINBURG State: TX Zip: 78539

## NOTIFICACIÓN

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Planning and Zoning Department  
City of Edinburg  
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9:21 AM

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8<sup>th</sup> Ave.





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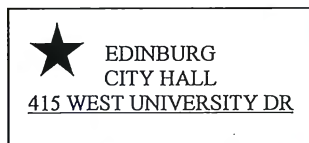
Comments: Survey by Molder & Hunt was completed.  
There were no water or sewer lines found under  
concrete. Thank you!

Print Name: Letisia Caballero Phone No. 956-292-8575  
Address: 1207 JoAnn Ct. City: Edinburg State: TX Zip: 78539

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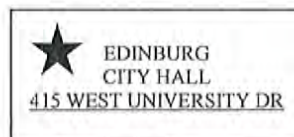
Comments: \_\_\_\_\_

Print Name: Rebecca H. Garcia Phone No. \_\_\_\_\_  
Address: 1203 Jo Ann Court City: Edinburg State: Texas Zip: 78539

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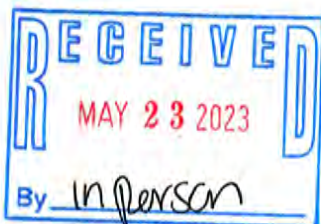
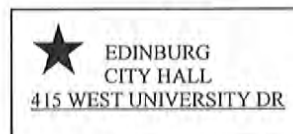
Comments: It is my understanding this request will not affect my property.

Print Name: Robert V. Mayes Phone No. 956-739-2935  
Address: 1210 Chris Circle City: Edinburg State: TX Zip: 78539

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9:21 AM

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8th Ave.

**ZONING CASE  
OWNER NOTIFICATION LIST**

PROPERTY ID: 163241  
COOK RACHEL L  
NULL  
1622 ANN ST  
EDINBURG, TX 78539-6002  
LEGAL: EBONY TERRACE NO. 2 LOT 4

PROPERTY ID: 163242  
SANDOVAL MARIA SOCORRO  
NULL  
1708 ANN ST  
EDINBURG, TX 78539-6004  
LEGAL: EBONY TERRACE NO. 2 LOT 5

PROPERTY ID: 163293  
PUMAREJO RICARDO & IRENE  
NULL  
1203 CHRIS CIR  
NULL  
EDINBURG, TX 78539-6015  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 55

PROPERTY ID: 163291  
CUELLAR MARTIN & SYLVIA  
NULL  
1207 CHRIS CIR  
EDINBURG, TX 78539-6015  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 53

PROPERTY ID: 163240  
NEELEY PHILIP B & CYNTHIA L  
NULL  
1620 ANN ST  
EDINBURG, TX 78539-6002  
LEGAL: EBONY TERRACE NO. 2 LOT 3

PROPERTY ID: 163239  
SINDER DAVID & MIRJAM K  
NULL  
1616 ANN ST  
EDINBURG, TX 78539-6002  
LEGAL: EBONY TERRACE NO. 2 LOT 2



**ZONING CASE  
OWNER NOTIFICATION LIST**

PROPERTY ID: 163292  
VARGAS EDUARDO  
NULL  
1205 CHRIS CIR  
EDINBURG, TX 78539-6015  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 54

PROPERTY ID: 163310  
ARREDONDO MANUEL & MAGDALENA  
NULL  
1235 CHRIS CIR  
EDINBURG, TX 78539-6015  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 72

PROPERTY ID: 163254  
ENRIQUEZ ELISANDRO III  
NULL  
1721 ANN ST  
EDINBURG, TX 78539-6003  
LEGAL: EBONY TERRACE NO. 2 LOT 17

PROPERTY ID: 163255  
GARZA FRANCISCO X & HILDA A  
NULL  
1719 ANN ST  
EDINBURG, TX 78539-6003  
LEGAL: EBONY TERRACE NO. 2 LOT 18

PROPERTY ID: 163256  
MENDEZ PAULINO & ELIZABETH C MARTINEZ  
NULL  
1715 ANN ST  
EDINBURG, TX 78539-6003  
LEGAL: EBONY TERRACE NO. 2 LOT 19

PROPERTY ID: 163290  
HODGE JOHN P  
NULL  
2204 ASH CIRCLE  
EDINBURG, TX 78539-5928  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 52



**ZONING CASE  
OWNER NOTIFICATION LIST**

PROPERTY ID: 163296  
RODRIGUEZ MONETTE MARGOT G  
NULL  
1208 CHRIS CIRCLE  
NULL  
EDINBURG, TX 78539  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 58 EXC E5'

PROPERTY ID: 163286  
CORDONIER IRMA G & RACHEL L TORRES CO TRUSTEES  
IRMA G CORDONIER LVNG TRUST  
1503 MCKEE DR  
EDINBURG, TX 78539  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 48

PROPERTY ID: 163260  
MEREDITH MAURY  
NULL  
1601 ANN ST  
NULL  
EDINBURG, TX 78539  
LEGAL: EBONY TERRACE NO. 2 LOT 23

PROPERTY ID: 163294  
LOPEZ SANTOS JR & ESPERANZA  
NULL  
1204 CHRIS CIR  
EDINBURG, TX 78539-6016  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 56

PROPERTY ID: 163298  
CABALLERO ARMANDO  
LETISIA MORENO  
1207 JOANN ST  
EDINBURG, TX 78539-6017  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 60 & E5' LOT 58

PROPERTY ID: 163307  
ARREDONDO NORA N & PABLO  
NULL  
1229 CHRIS CIR  
EDINBURG, TX 78539-6015  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 69



**ZONING CASE  
OWNER NOTIFICATION LIST**

PROPERTY ID: 163258  
LUNA OMAR & MARY ALICE  
NULL  
25815 COPPERAS LN  
NULL  
SAN ANTONIO, TX 78260-2464  
LEGAL: EBONY TERRACE NO. 2 LOT 21

PROPERTY ID: 163297  
MAYES ROBERT VALE  
NULL  
1210 CHRIS CIR  
EDINBURG, TX 78539-6016  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 59

PROPERTY ID: 163299  
GARCIA REBECCA  
NULL  
1203 JOANN ST  
EDINBURG, TX 78539-6017  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 61

PROPERTY ID: 163304  
MORIN MANUEL & MARIA G  
NULL  
1214 JOANN ST  
EDINBURG, TX 78539-6017  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 66

PROPERTY ID: 163306  
GUZMAN JOSE O & HILDA Z  
NULL  
1227 CHRIS CIR  
EDINBURG, TX 78539-6015  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 68

PROPERTY ID: 163309  
ZUNIGA BALDEMAR  
HERMELINDA ZUNIGA H TRUST  
1233 CHRIS CIR  
EDINBURG, TX 78539-6015  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 71



**ZONING CASE  
OWNER NOTIFICATION LIST**

PROPERTY ID: 163257  
PENA MARITZA E & MARIA F SALDANA  
NULL  
1701 ANN ST  
EDINBURG, TX 78539-6003  
LEGAL: EBONY TERRACE NO. 2 LOT 20

PROPERTY ID: 163259  
GUERRA FEDERICO & SYLVIA  
NULL  
1615 ANN ST  
EDINBURG, TX 78539-6068  
LEGAL: EBONY TERRACE NO. 2 LOT 22

PROPERTY ID: 163308  
SHELLER STEVEN DANIEL  
NULL  
1231 CHRIS CIR  
EDINBURG, TX 78539-6015  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 70

PROPERTY ID: 163287  
DE LA ROSA RAUL INES JR ETAL  
1817 ANN ST  
EDINBURG, TX 78539  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 49

PROPERTY ID: 163289  
ZUNIGA JUAN ANGEL JR  
3312 N CHRISTOPHER LN  
EDINBURG, TX 78542  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 51

PROPERTY ID: 163295  
TREVINO JUAN LONGINO  
NULL  
1206 CHRIS CIR  
EDINBURG, TX 78539-6016  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 57

PROPERTY ID: 163300  
CANO IRENE & DAVID  
NULL  
105 WILLOWBEND DR  
PORT LAVACA, TX 77979-2261  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 62



**ZONING CASE  
OWNER NOTIFICATION LIST**

PROPERTY ID: 163301  
TORRES CARLOS & ESPERANZA L  
NULL  
1206 JOANN ST  
EDINBURG, TX 78539-6017  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 63

PROPERTY ID: 163302  
GRAHAM CYNTHIA YBARRA  
NULL  
1208 JOANN ST  
NULL  
EDINBURG, TX 78539-0617  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 64

PROPERTY ID: 163303  
MAYO RODNEY D & CRYSTAL G MUELLER  
NULL  
1210 JOANN CT  
NULL  
EDINBURG, TX 78539  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 65

PROPERTY ID: 163288  
HAUSENFLUCK & MARY E  
NULL  
4505 N 4TH ST  
MCALLEN, TX 78504-2939  
LEGAL: EBONY TERRACE NO. 2 UT C LOT 50



## Planning & Zoning Staff Report

Prepared on: September 20, 2023

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: September 27, 2023

#### Agenda Item

Consider Variance to the City's Unified Development Code Article 6, Section 6.106, Flood Damage Prevention, General Standards, Being a 4.03 gross tract of land out of Lot D, Santa Cruz Ranch Subdivision and a 5.00 gross tract of land out of Lot D, Santa Cruz Ranch Subdivision, Located at 8820 North I69-C, As Requested By Armando and Lourdes Contreras

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#### Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 6.106, General Standards as it applies to all new development and substantial improvements within flood hazard areas. A minimum of six inches above base flood elevation is required. The applicant is requesting the variance to allow the parking to be more than six inches below the base flood elevation. Existing elevations are approximately 80.50 feet flood elevation according to the topography provided in the preliminary subdivision plat, base flood elevation is 86 feet in this area.

#### Property Location and Vicinity

The properties are located on North Frontage Road, approximately 1,000 feet North from East FM 8212. The properties are zoned Commercial, General (CG) District. Adjacent zoning is Commercial, General (CG) District to the north, south, and west. Surrounding land consists of vacant properties, commercial and residential uses.

#### Background and History

The properties are in the preliminary stages of the subdivision process. The lots are a combined total of 9.03 acres. The engineer applied for a building permit on July 28, 2023. Staff received a variance request application on September 11, 2023. The applicant is asking for the allowance to permit the parking of their proposed project to be more than six inches below the base flood elevation. The applicant did not indicate a reason for their appeal.

Staff mailed notice of this variance request to 11 neighboring property owners and received no comments in favor or against this request at the time this report was prepared.

#### Analysis

The Unified Development Code requires developments in flood zones to be a minimum of six inches above the base flood elevation. The applicant is requesting for their parking to be approximately six feet below the base flood elevation, therefore making it non-compliant.



**Recommendation**

Staff recommends denial of the variance request. If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

**Alejandra Gonzalez**  
Planner II

Approved by:

**Jaime Acevedo**  
Director of Planning & Zoning



# UNIFIED DEVELOPMENT CODE

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(Ord. No. 2022-4764, 08/09/2022)

## ARTICLE 6 - ENVIRONMENTAL MANAGEMENT

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### Division 6.100, Flood Damage Prevention

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#### Sec. 6.106, General Standards

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All new construction and substantial improvements within special flood hazard areas shall meet the following standards:

**A. Location.**

1. *New Development.* In general, new development shall be located a minimum of six inches above base flood elevation.
2. *Substantial Improvements, Redevelopment, and Infill Development.* Substantial improvements, redevelopment, and development of infill lots shall be located as provided in this Division.

**B. Control of Flood Elevation.** Buildings and structures shall be constructed and placed on the building site so as to cause an increase of less than one one-hundredth foot in flood height off-site and offer minimum obstruction to the flow of flood waters.

**C. Fill Restrictions.**

1. *Highest Natural Grade.* In order to minimize fill within the floodplain, all new construction and substantial improvements are situated, if practicable, at the location of the highest natural grade within the special flood hazard area. In no event shall new construction or substantial improvements be located on land with a natural grade that is more than 18 inches lower than the base flood elevation.
2. *Mitigation of Effect on Water Storage and Quality.* No fill shall be placed within a special flood hazard area unless the effect of the fill on water storage and water quality is fully mitigated in one or more of the following ways:
  - a. Excavation of a volume of soil comparable to the volume that was filled to bring the surface of the land to the base flood elevation. However, excavation is prohibited at depths that would:
    - i. increase the velocity of stormwater flows;
    - ii. cause significant new erosion; or
    - iii. expose the water table to contamination by pollutants which may be present in stormwater runoff;
  - b. A stormwater management system is installed or improved in a location and manner that compensates for the removal of the filled area from the floodplain; or
  - c. If the compensatory storage is provided in the floodplain, the combination of filling, compensatory storage, and detention is intended to lower the flood elevation by increasing channel capacity (see Subsection 6.107.H., *Detention in Floodplains*).

**D. Impervious Surfaces.** The total impervious surface ratio of the site is less than 60 percent.

**E. Anchoring.** New construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Buildings and structures shall be certified by a licensed engineer to withstand velocities and likely debris loadings given their position in the floodplain.

**F. Methods and Practices.** New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

**G. Materials.** New construction or substantial improvements shall be constructed with materials that are resistant to flood damage.

**H. Utility Equipment and Service Facilities.** New construction or substantial improvements are constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are located at least six inches above base flood elevation, and designed so as to prevent water from entering or accumulating within the components during conditions of flooding.



- I. Water Supply Systems.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- J. Sanitary Sewers.** All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters;
- K. On-Site Waste Disposal.** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

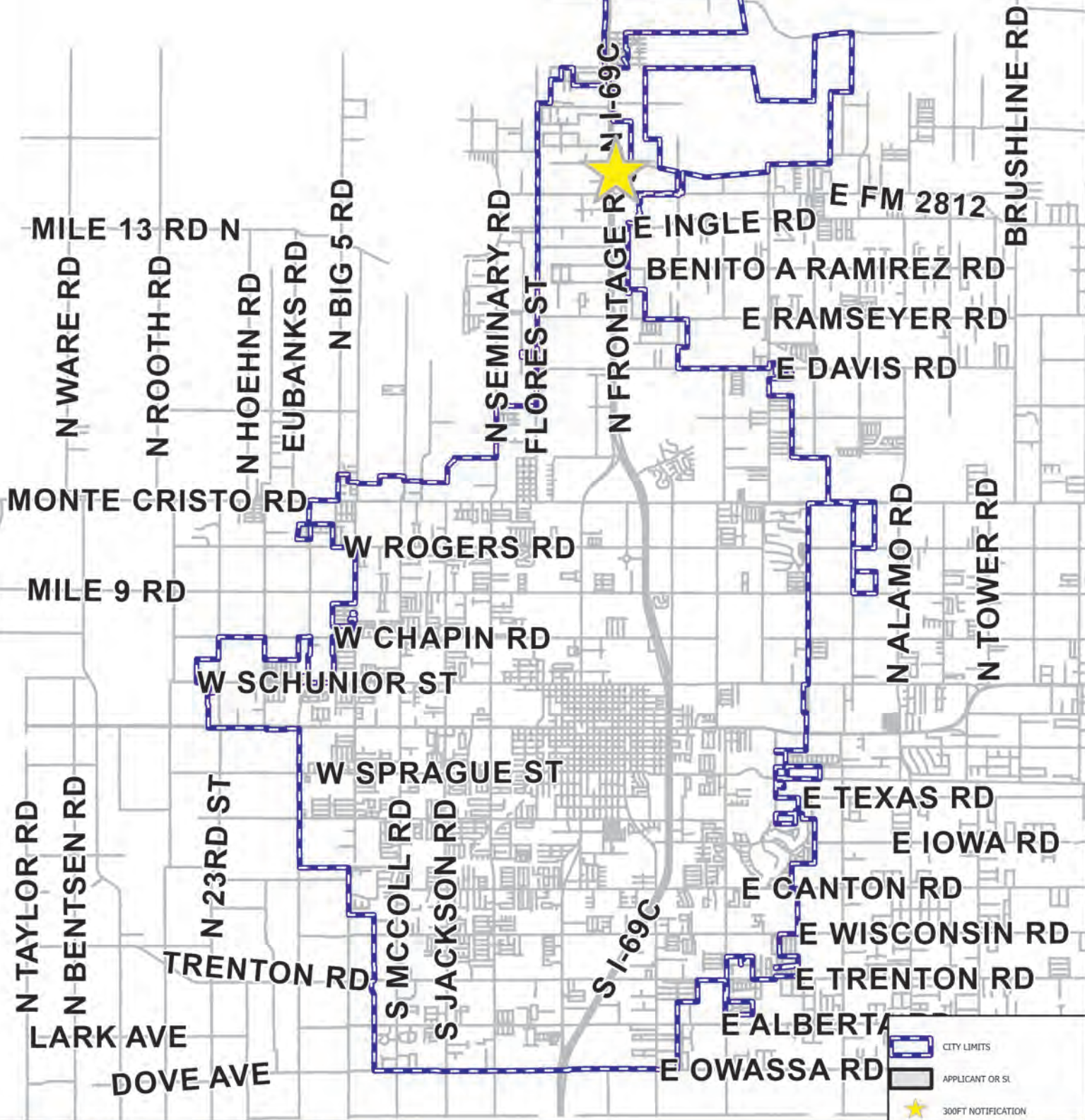
Effective on: 8/9/2022



FM 490

W FM 490

E FM 490



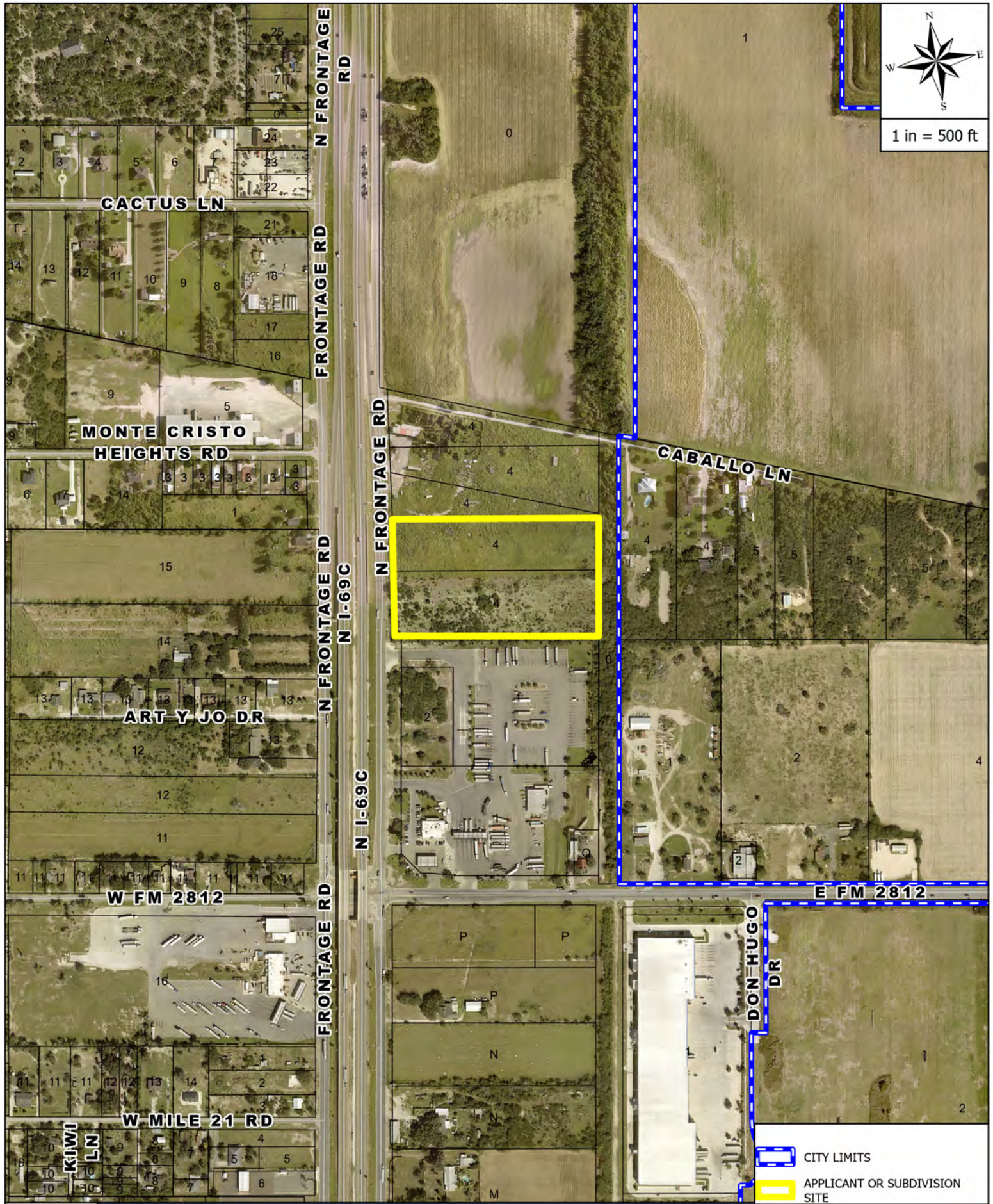
EDINBURG NEW DEVELOPMENT MAP

APPLICANT AND/OR SUBDIVISION:

ARMANDO CONTRERAS - 8820 N I69C

- CITY LIMITS
- APPLICANT OR SL
- 300FT NOTIFICATION





## AERIAL MAP

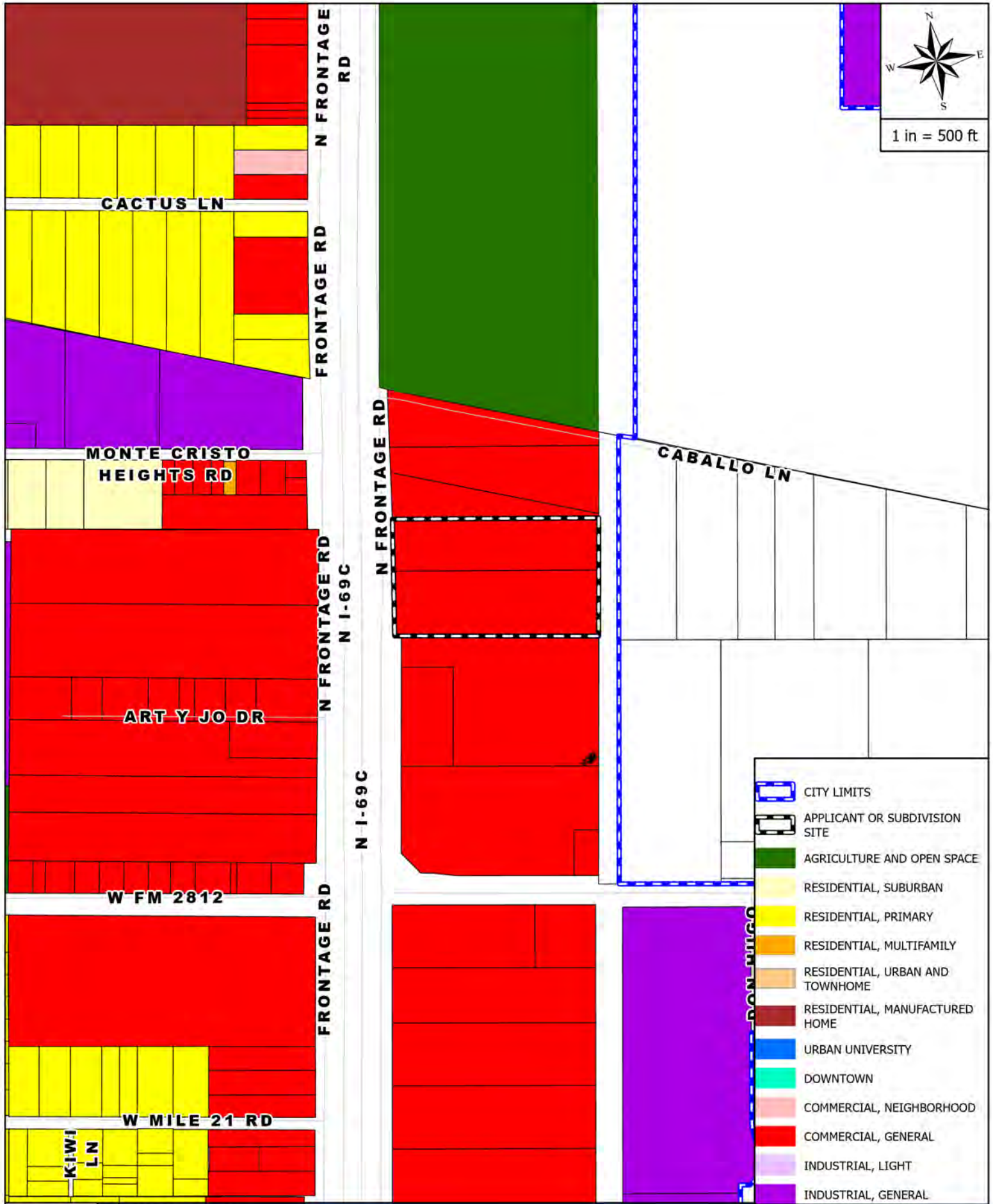
### APPLICANT AND/OR SUBDIVISION:

ARMANDO CONTRERAS - 8820 N I69C





1 in = 500 ft



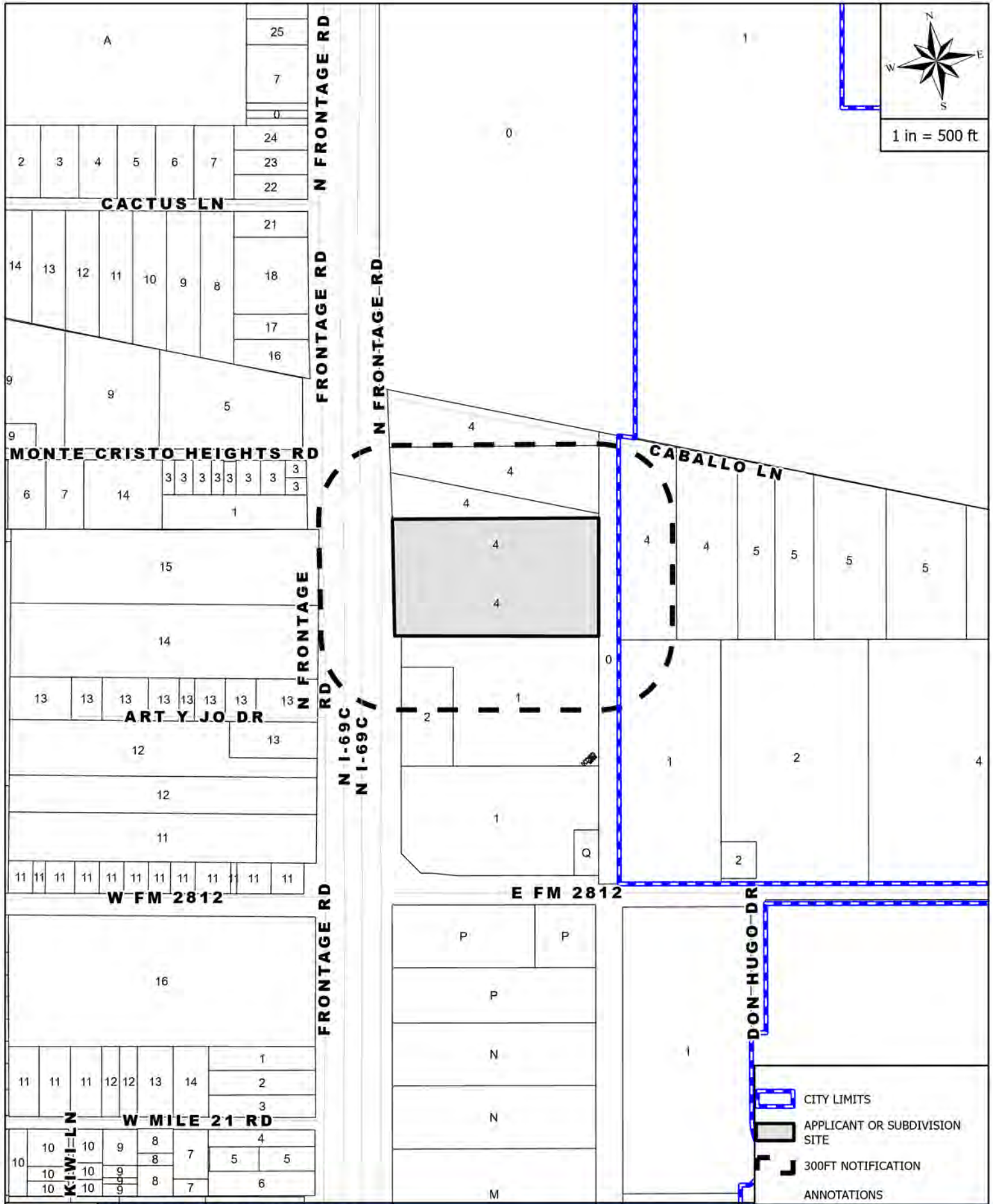
### ZONING MAP

**APPLICANT AND/OR SUBDIVISION:**

ARMANDO CONTRERAS - 8820 N I69C

BA





**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

ARMANDO CONTRERAS - 8820 N I69C





## Site Photo

**Armando Contreras**

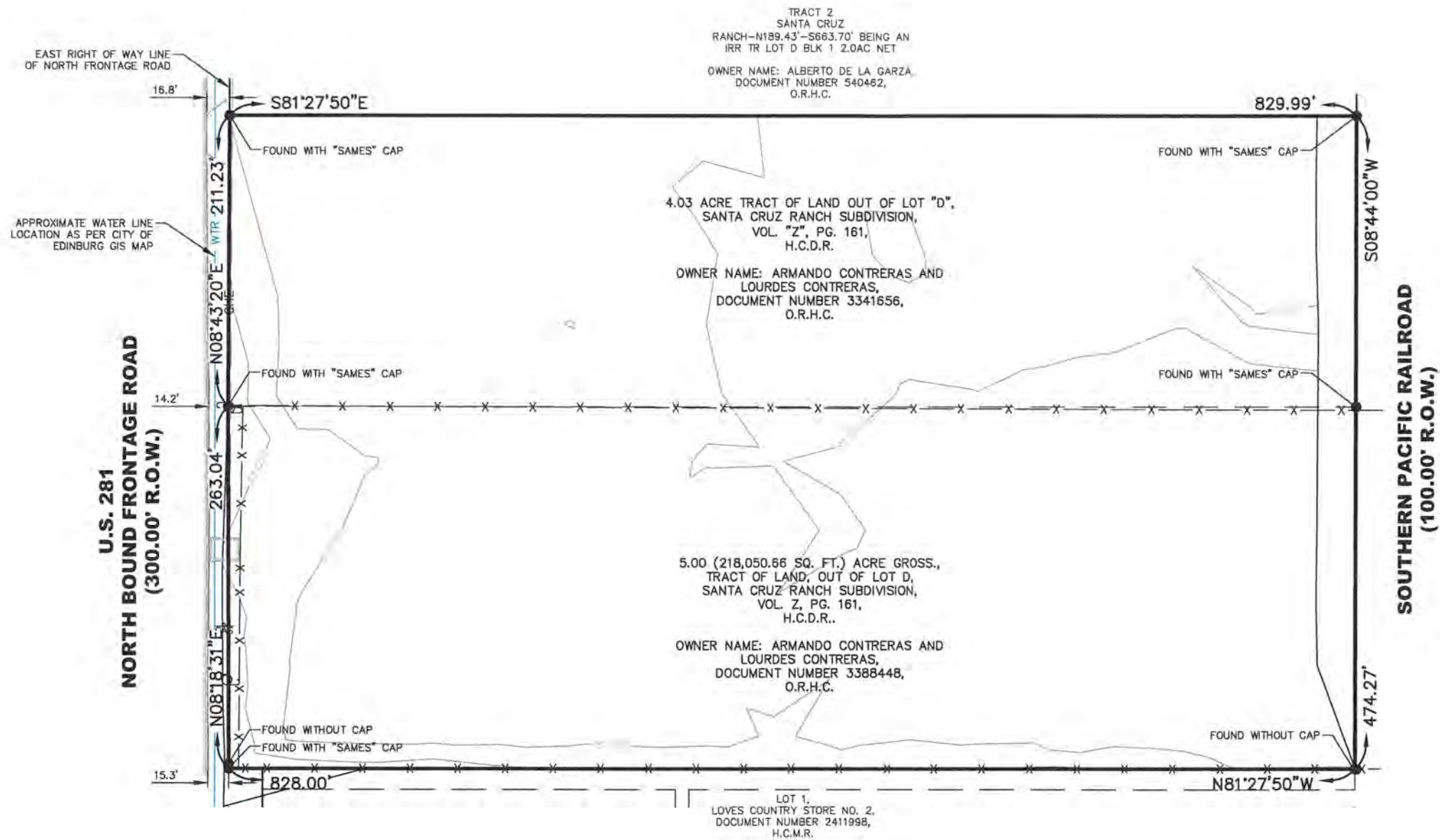
8820 North I69 C







SCALE: 1" = 100'



**GENERAL NOTES:**

ADDRESS: CABALLO LANE, EDINBURG, TEXAS 78542  
SURVEYED: FEBRUARY 17, 2023  
REQUESTED BY: LOU CONTRERAS  
OWNER: ARMANDO CONTRERAS AND LOURDES CONTRERAS

FLOOD ZONE DESIGNATION: "ZONE AE" - BASE FLOOD ELEVATIONS DETERMINED.  
BFE: 86'

COMMUNITY-PANEL NUMBER: 480338 0010 E  
MAP REVISED: MAY 14, 2001

I, LEO L. RODRIGUEZ, JR., CERTIFY THAT THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND AT THE TIME OF SURVEY AND THAT THERE ARE NO VISIBLE OR APPARENT EASEMENTS, DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS, OR OVERLAPPING OF IMPROVEMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN ON THIS PLAT. NO SUBSURFACE UTILITIES OR SERVICE CONNECTIONS ARE SHOWN. © COPYRIGHT 2018 SAM ENGINEERING & SURVEYING. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE BORROWER NAMED HEREON, IN CONJUNCTION WITH THE ORIGINAL TRANSACTION WHICH SHALL TAKE PLACE WITHIN 6 MONTHS AFTER THE SURVEY WAS PROVIDED. NO LICENSE HAS BEEN CREATED OR IMPLIED COPY THIS SURVEY. SURVEY VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE.



LEO L. RODRIGUEZ, JR. DATE 3/03/23  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2448

REVISION 2

JOB NUMBER	DRAWN BY	RVWD. BY	DATE
SUR 23.076	S.S.	L.L.R.	03/03/23

SHEET 1 OF 1: SURVEY PLAT

**LEGEND**

- - FND. 1/2" IRON ROD
- ⊗ - IRRIGATION STAND PIPE
- ⊙ - POWER POLE
- ⊙ - LIGHT POLE
- ⊙ - UNDER GROUND GAS
- - OVERHEAD ELECTRIC LINE
- X - CHAINLINK FENCE LINE
- - WATER LINE
- EXIST. - EXISTING
- CONC. - CONCRETE
- ▨ - ASPHALT
- ▨ - CONCRETE
- H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- H.C.D.R. - HIDALGO COUNTY DEED RECORDS
- O.R.H.C. - OFFICIAL RECORDS OF HIDALGO COUNTY
- R.O.W. - RIGHT OF WAY
- FND. - FOUND

**REVISION 1 NOTES:**

- REVISED TO SHOW CONTOURS.

**REVISION 2 NOTES:**

- REVISED FLOOD ZONE

**SURVEY NOTES:**

- BASIS OF BEARING THE EAST RIGHT OF WAY LINE OF NORTH FRONTAGE ROAD, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z, PAGE 161, MAP RECORDS OF HIDALGO COUNTY, TEXAS.
  - ALL COORDINATES, BEARINGS, AND DISTANCES, ARE BASED ON THE TEXAS COORDINATE SYSTEM, (NAD 83), TEXAS STATE PLANES, SOUTH ZONE, US SURVEY FEET, GRID. BEARINGS AND DISTANCES SHOWN IN PARENTHESIS ARE BASED ON RECORDED DOCUMENT.
  - ALL HORIZONTAL CONTROL ON THIS PROJECT WAS ESTABLISHED UTILIZING RTK GPS METHODS.
  - THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS THAT ARE NOT SHOWN.
- THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:**
- SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS OF THE COUNTY OF HIDALGO AND ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN WHICH THE PROPERTY MAY BE LOCATED OR HOLDING EXTRA TERRITORIAL JURISDICTION OF SAID PROPERTY.

**PLAT SHOWING**

TOPOGRAPHIC SURVEY

4.03 (175,313.54 SQ. FT.) GROSS, TRACT OF LAND OUT OF LOT D, SANTA CRUZ RANCH SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME "Z", PAGE 161, DEED RECORDS, IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS.

5.00 (218,050.66 SQ. FT.) ACRE GROSS, TRACT OF LAND OUT OF LOT D, SANTA CRUZ RANCH SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME "Z", PAGE 161, DEED RECORDS, IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS.

	200 S. 10TH STREET, SUITE 1500 TEL: (956) 702-8880 MCALLEN, TEXAS 78501 FAX: (956) 702-8883
	SURVEY FIRM REG. No. 101416-00



# OPEN MARKET 281

EAST R.O.W. OF HWY 281  
APPROXIMATELY 1,200 FEET NORTH OF FM 2812  
EDINBURG, TEXAS

COMPLETE CONSTRUCTION PLANS CONSISTING OF:  
UTILITY SERVICES, PAVING, GRADING  
AND DRAINAGE IMPROVEMENTS  
JULY 28, 2023

## PROPERTY OWNER

MR. ARMANDO CONTRERAS and LOURDES CONTRERAS  
1201 FINCHER ROAD  
MISSION, TEXAS 78572

## PROPERTY LEGAL DESCRIPTION

BEING A 8.99 (391,517.81 SQ.FT.) ACRE TRACT OF LAND OUT OF LOT D, SANTA CRUZ RANCH SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME "Z", PAGE 161, DEED RECORDS, IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS

THIS PROPERTY IS LOT 1 OF PROPOSED CONTRERAS SUBDIVISION (PENDING RECORDING)

## SURVEYING TEAM

SAMES ENGINEERING and SURVEYING  
LEO L. RODRIGUEZ, J.R., R.P.L.S.  
200 S. 10TH ST - SUITE 1500  
McALLEN, TEXAS 78501  
956-702-8880

## ENGINEERING TEAM

**BENAVIDES**  
ENGINEERING  
TEXAS REGISTRATION F-22855  
P.O. Box 832 Alamo, TX 78516  
jerry@benavideseng.com  
956.310.8373

## PROJECT BENCHMARK

TOP OF EXISTING SANITARY SEWER MANHOLE

ALONG THE EAST R.O.W. OF HWY 281 FRONTAGE APPROXIMATELY 304.00 FEET NORTH FROM THE SUBJECTS SOUTH PROPERTY LINE.

ELEVATION = 80.96'  
COORDINATES N: 16666847.5900  
E: 1101659.3240

NAD83 TEXAS STATE PLANES, SOUTH ZONE US FOOT



VICINITY MAP NOT TO SCALE

## INDEX OF SHEETS

SHEET NO.	SHEET NAME	DESCRIPTION
C1 OF 12	COVER SHEET	
C2 OF 12	SUBDIVISION PLAT (PROPOSED - UNDER REVIEW)	CONTRERAS SUBDIVISION (PENDING RECORDING)
C3 OF 12	BOUNDARY AND IMPROVEMENT SURVEY	SAMES ENGINEERING and SURVEYING
C4 OF 12	GENERAL CONSTRUCTION NOTES	
C5 OF 12	MINIMUM SUGGESTED EROSION CONTROL MEASURES and DEMOLITION PLAN	OVERALL LAYOUT
C6 OF 12	MINIMUM SUGGESTED EROSION CONTROL MEASURES AND DEMOLITION PLAN	TYPICAL DETAILS
C7 OF 12	SITE PLAN LAYOUT	OVERALL LAYOUT
C8 OF 12	SITE PLAN LAYOUT	TYPICAL DETAILS
C9 OF 12	UTILITY PLAN LAYOUT	OVERALL LAYOUT
C10 OF 12	UTILITY PLAN LAYOUT	TYPICAL DETAILS
C11 OF 12	PAVING, GRADING AND DRAINAGE LAYOUT	OVERALL LAYOUT
C12 OF 12	PAVING, GRADING AND DRAINAGE LAYOUT	TYPICAL DETAILS

## CALL BEFORE YOU DIG!

**Texas 811**  
PARTICIPANTS REQUEST 48 HOURS NOTICE BEFORE YOU DIG, DRILL, OR BLAST - STOP AND CALL CONSTRUCTION  
Know what's below.  
Call before you dig. **811**

THE LONE STAR NOTIFICATION COMPANY  
AT 1-800-669-8344

\*\*\* STOP! CALL BEFORE YOU DIG! \*\*\*

AS REQUIRED BY "THE TEXAS UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY ACT" TEXAS ONE CALL SYSTEM MUST BE CONTACTED (800-669-8344) AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION OPERATIONS BEING PERFORMED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT TEXAS ONE CALL SYSTEM.



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY GERARDO BENAVIDES, P.E. 140950, 08/07/2023

FOR REVIEW

NOT FOR CONSTRUCTION

ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE LAW.

**BENAVIDES**  
ENGINEERING  
TEXAS REGISTRATION F-22855  
P.O. Box 832 Alamo, TX 78516  
jerry@benavideseng.com  
956.310.8373

CLIENT:

RAINE DESIGN LABS  
EDGAR@RAINEDESIGNLABS.COM

PROJECT ADDRESS:

EAST RIGHT-OF-WAY OF HWY 281  
APPROX. 1,200 FEET NORTH OF  
FM 2812, EDINBURG TEXAS

PREPARED DATE 07/23/2023

DRAWN BY: G.BENAVIDES, P.E.

CHECKED BY: G.BENAVIDES, P.E.

PROJECT No. 2022.002

PAGE TITLE

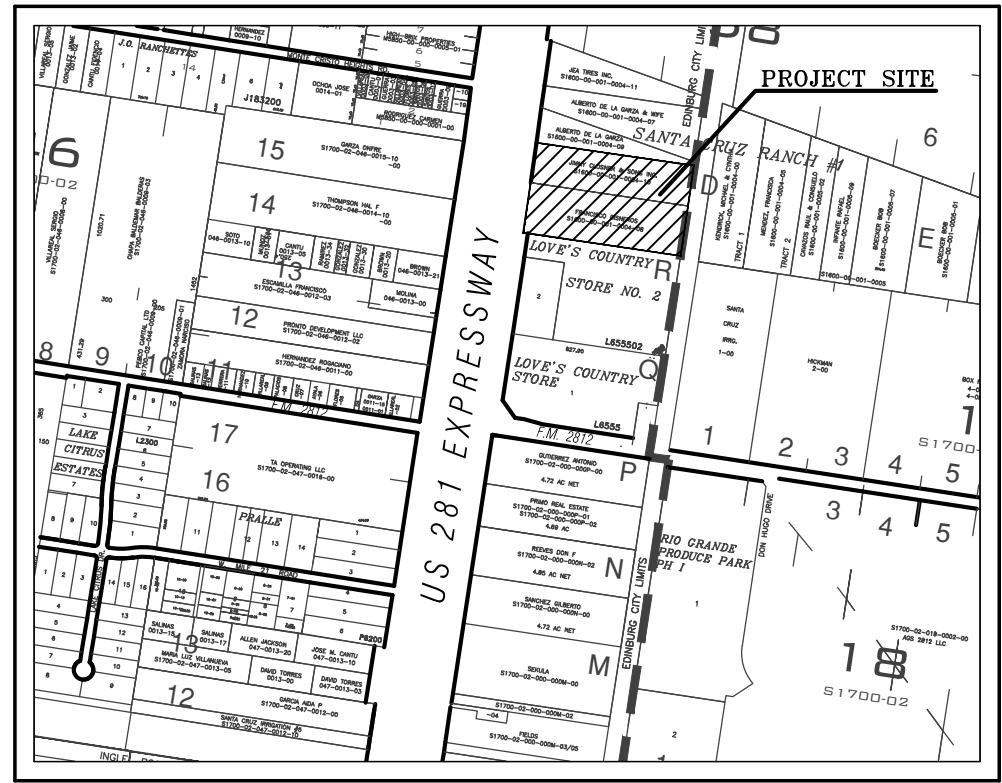
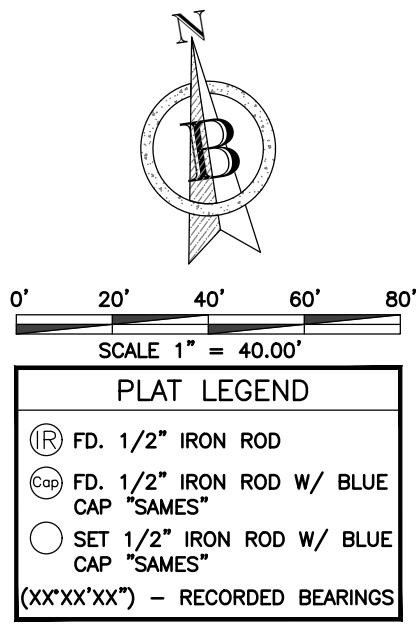
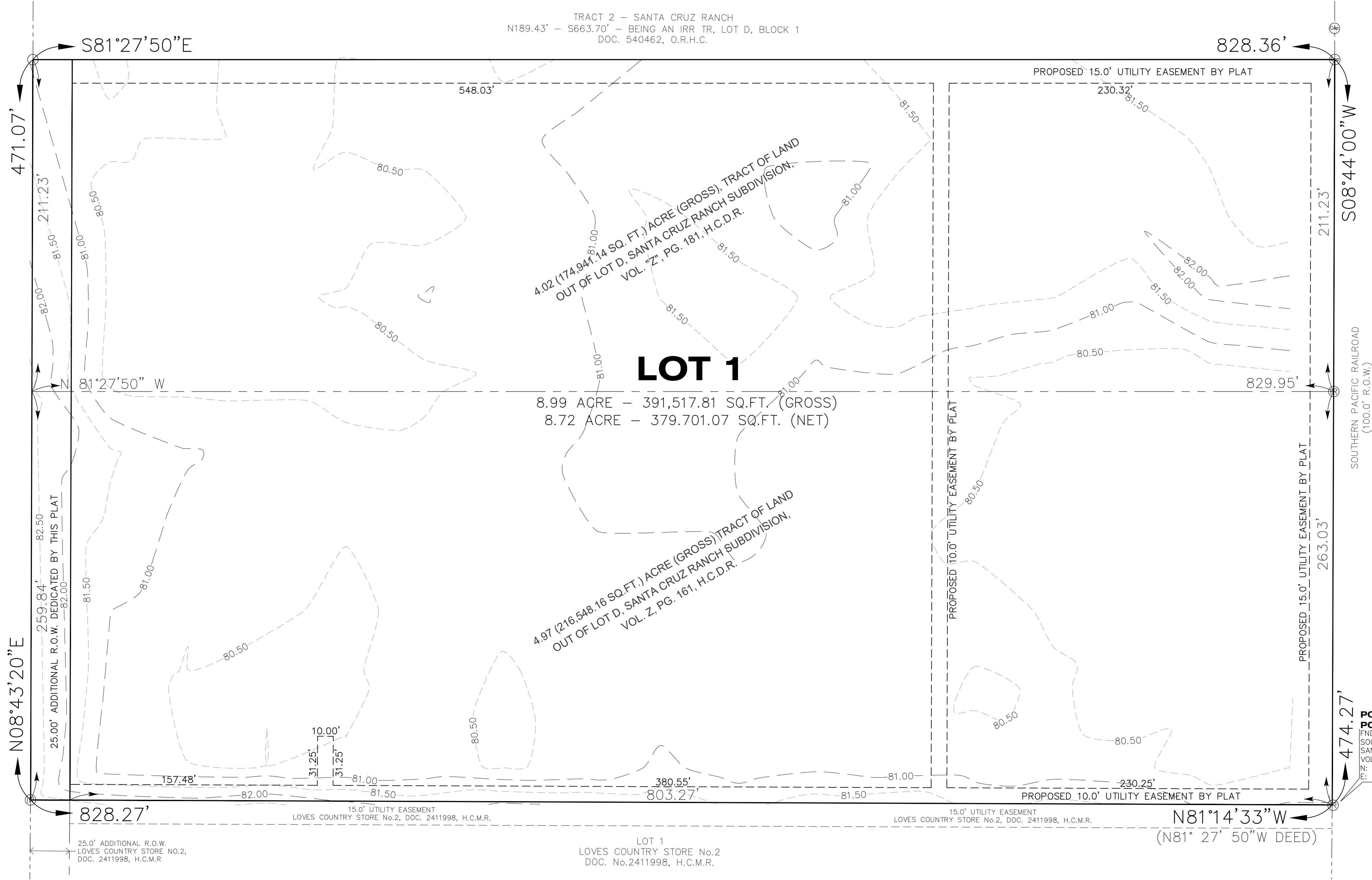
COVER SHEET

SHEET NUMBER

C-1



U.S. HIGHWAY 281  
(NORTHBOUND FRONTAGE ROAD - 300.00' R.O.W.)



LOCATION MAP  
SCALE : 1" = 1,000'

#### GENERAL SUBDIVISION PLAT NOTES

1. MINIMUM FINISH FLOOR ELEVATION SHALL BE AT 6" ABOVE THE ESTABLISHED BASE FLOOD ELEVATION AS PER FEMA FORM PANEL No. 480338 0010 E, MAP REVISED JUNE 6, 2000, OR TOP OF THE STREET CURB WHEN MEASURED AT THE CENTER FRONT OF ALL THE LOTS, WHICH EVER IS GREATER. ELEVATION CERTIFICATES WILL BE REQUIRED FOR PROPOSED BUILDINGS/STRUCTURES LOCATED IN FLOOD ZONE AT THE TIME FOR APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISH FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.
2. THIS SUBDIVISION IS LOCATED IN:  
ZONE "AE" AS PER FEMA - FROM PANEL No. 480338 0010 E, MAP REVISED JUNE 6, 2000, REVISED TO REFLECT LOMR DATED MAY 14, 2001  
ZONE "AE" ARE AREAS WHERE THE BASE FLOOD ELEVATIONS ARE DETERMINED. BFE FOR THIS PROJECT IS 86.00 FEET
3. SETBACKS FOR ZONE "CG"  
FRONT: 25 FEET MINIMUM OR GREATER FOR EASEMENTS  
SIDES: 10 FEET MINIMUM OR GREATER FOR EASEMENTS  
REAR: 10 FEET MINIMUM OR GREATER FOR EASEMENTS
4. IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF 38,299 CUBIC-FEET (0.88 ACRE-FEET) OF STORM WATER RUNOFF. DRAINAGE RETENTION IN ACCORDANCE WITH THE LOCAL REQUIREMENTS WILL BE ACCOMPLISHED AS STATED IN DRAINAGE REPORT.
5. NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE KEPT CLEAR OF BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
6. DETENTION AREAS MAINTENANCE NOTE - PROPOSED DETENTION AREAS SHALL BE MAINTAINED BY THE LOT OWNERS, AND SHALL BE PROVIDED ACCORDING TO DRAINAGE REPORT.
7. THERE ARE NO WATER WELLS WITHIN 150 FEET FROM THE BOUNDARIES ON THIS SUBDIVISION
8. 5 FOOT SIDEWALK IS REQUIRED BY THE CITY OF EDINBURG AT THE TIME OF BUILDING PERMIT ALONG U.S. HWY 281
9. TxDOT DRIVEWAY/ENTRANCE PERMIT IS REQUIRED PRIOR TO THE CONSTRUCTION OF SAID DRIVEWAY/ENTRANCE ONTO U.S. HWY 281. TxDOT ACCESS PERMIT IS REQUIRED PRIOR TO THE CITY ISSUING A DEVELOPMENT AND/OR BUILDING PERMIT, AND SHALL COMPLY WITH THE LATEST ACCESS MANAGEMENT POLICY.
10. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS.
11. SITE PLAN MUST BE REVIEWED/APPROVED BY CITY OF EDINBURG PRIOR TO ISSUANCE OF BUILDING PERMIT FOR COMMERCIAL DEVELOPMENTS.

POINT OF COMMENCEMENT/  
POINT OF BEGINNING  
FND. 1/2" IRON ROD W/OUT CAP  
SOUTHEAST CORNER OF LOT D,  
SANTA CRUZ RANCH SUBDIVISION  
VOLUME "Z", PAGE 121, H.C.D.R.  
N: 16666427.8398  
E: 1102453.9767

#### STATE OF TEXAS COUNTY OF HIDALGO

WE, ARMANDO CONTRERAS AND LOURDES CONTRERAS AS OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS CONTRERAS SUBDIVISION, AN ADDITION OF THE CITY OF EDINBURG, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

ARMANDO CONTRERAS, OWNER  
DATE  
LOURDES CONTRERAS, OWNER  
DATE

#### STATE OF TEXAS COUNTY OF HIDALGO

I, GERARDO BENAVIDES, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

DATED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

GERARDO BENAVIDES, P.E., CFM  
LICENSED PROFESSIONAL ENGINEER No.140950  
P.O. BOX 832  
ALAMO, TEXAS 78516



#### STATE OF TEXAS COUNTY OF HIDALGO

I, THE UNDERSIGNED, CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT KNOWN AS CONTRERAS SUBDIVISION CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED AND HAS BEEN APPROVED FOR RECORDING ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CHAIRPERSON  
PLANNING & ZONING COMMISSION  
DATE

#### STATE OF TEXAS COUNTY OF HIDALGO

I, THE UNDERSIGNED, MAYOR OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY HEREIN MY APPROVAL IS REQUIRED.

MAYOR, CITY OF EDINBURG  
SECRETARY, CITY OF DONNA  
DATE  
DATE

#### STATE OF TEXAS COUNTY OF HIDALGO

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1, HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE, §49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1

RAUL SESIN, P.E., C.F.M.  
GENERAL MANAGER  
DATE

#### STATE OF TEXAS COUNTY OF HIDALGO

THIS PLAT APPROVED BY SANTA CRUZ IRRIGATION DISTRICT NO. 15, ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, SUBJECT TO THE FOLLOWING:

1. NO BUILDING ALLOWED ON TOP OF AN IRRIGATION LINE;
2. FIFTEEN FOOT (15') EASEMENT ON EACH SIDE OF IRRIGATION LINE OR CANAL;
3. ALL LOTS SUBJECT TO RULES, REGULATIONS RIGHT-OF-WAYS AND EASEMENTS OF DISTRICT; AND,
4. IF SUBDIVISION IS NOT EXCLUDED FROM DISTRICT AND IRRIGATION TO INDIVIDUAL LOTS IS DESIRED, EASEMENTS FOR NECESSARY IRRIGATION FACILITIES TO SUCH LOTS FROM THE CLOSEST DISTRICT DELIVERY POINT SHALL BE PROVIDED, WITH THE LOT OWNER BEING RESPONSIBLE TO INSTALL NECESSARY FACILITIES.

PRESIDENT  
DATE  
SECRETARY  
DATE



FILED FOR RECORD IN HIDALGO COUNTY  
ARTURO GUJARDO, JR, HIDALGO COUNTY CLERK

ON: \_\_\_\_\_ AT \_\_\_\_\_ AM / PM  
INSTRUMENT NUMBER \_\_\_\_\_  
OF MAP RECORDS OF HIDALGO COUNTY TEXAS  
BY: \_\_\_\_\_ DEPUTY \_\_\_\_\_ DATE \_\_\_\_\_

#### STATE OF TEXAS COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED ARMANDO CONTRERAS AND LOURDES CONTRERAS KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

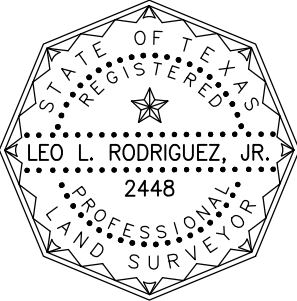
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
MY COMMISSION EXPIRES \_\_\_\_\_

#### STATE OF TEXAS COUNTY OF HIDALGO

I, LEO LOZANO RODRIGUEZ JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF EDINBURG, TEXAS

DATED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

LEO LOZANO RODRIGUEZ JR., R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 2448  
P.O. BOX 1830  
EDINBURG, TEXAS 78540



## PLAT OF CONTRERAS SUBDIVISION

A 8.99 (391,517.81 SQ. FT.) ACRE TRACT OF LAND, COMPRISED OF A 4.02 (174,941.14 SQ.FT.) ACRE TRACT OF LAND CONVEYED TO ARMANDO CONTRERAS AND LOURDES CONTRERAS, AS RECORDED IN DOCUMENT NUMBER 3341656, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, AND A 4.97 (216,548.16 SQ.FT.) ACRE TRACT OF LAND CONVEYED TO ARMANDO CONTRERAS AND LOURDES CONTRERAS AS RECORDED IN DOCUMENT NUMBER 3388448, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS OUT OF LOT D, SANTA CRUZ RANCH SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME "Z", PAGE 161, DEED RECORDS, IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS

**BENAVIDES**  
ENGINEERING  
P.O. Box 832 Alamo, TX 78516  
jerry@benavideseng.com  
956-310-8373

DATE PREPARED 05/04/23 - DATE REVISED 07/28/23

OWNER	RT HOMES	RAMIRO RAMIREZ (MANAGING MEMBER)	1706 N. BRYAN ROAD, MISSION TX 78572	956-874-5483
ENGINEER	BENAVIDES ENGINEERING, LLC	GERARDO BENAVIDES, P.E., CFM	P.O. BOX 832, ALAMO TX 78516	956-310-8373
SURVEYOR	SAMES ENGINEERING	LEO L. RODRIGUEZ, RPLS	200 S.10TH ST., McALLEN TX 78501	956-702-8880





SCALE: 1" = 100'

NORTH BOUND FRONTAGE ROAD  
(300.00' R.O.W.)

SOUTHERN PACIFIC RAILROAD  
(100.00' R.O.W.)

TRACT 2  
SANTA CRUZ  
RANCH--N189.43'-S863.70' BEING AN  
IRR TR LOT D BLK 1 2.0AC NET  
OWNER NAME: ALBERTO DE LA GARZA.  
DOCUMENT NUMBER 540452,  
O.R.H.C.

8.99 (391,517.81 SQ. FT.) ACRE TRACT OF LAND, COMPRISED OF A 4.02  
(174,941.14 SQ. FT.) ACRE TRACT OF LAND CONVEYED TO ARMANDO  
CONTRERAS AND LOURDES CONTRERAS, AS RECORDED IN DOCUMENT  
NUMBER 3341656, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS, AND A  
4.97 (216,548.16 SQ. FT.) ACRE TRACT OF LAND CONVEYED TO  
ARMANDO CONTRERAS AND LOURDES CONTRERAS AS RECORDED IN  
DOCUMENT NUMBER 3388448, OFFICIAL RECORDS, HIDALGO COUNTY,  
TEXAS, OUT OF LOT D,  
SANTA CRUZ RANCH SUBDIVISION,  
VOL. Z, PG. 161,  
OWNER NAME: ARMANDO CONTRERAS AND LOURDES CONTRERAS,  
DOCUMENT NUMBER 3388448,  
O.R.H.C.

FOUND 5/8" IRON ROD  
WITHOUT CAP  
828.36'

FOUND 1/2" IRON ROD  
WITH BLUE PLASTIC CAP  
STAMPED "SAMES"

FOUND 1/2" IRON ROD  
WITH BLUE PLASTIC CAP  
STAMPED "SAMES"

P.O.C./P.O.B.  
FND. 1/2" IRON ROD WITHOUT CAP,  
FOR THE SOUTHEAST CORNER OF LOT  
D, SANTA CRUZ RANCH SUBDIVISION,  
VOLUME "Z", PAGE 121, DEED  
RECORDS, HIDALGO COUNTY, TEXAS  
N: 16666427.8398'  
E: 1102453.9767'

FOUND 1/2" IRON ROD  
WITHOUT CAP

N81°14'33"W  
(N81°27'50"W DEED)

803.27'

LOT 1,  
LOVES COUNTRY STORE NO. 2,  
DOCUMENT NUMBER 2411998,  
H.C.M.R.



GENERAL NOTES:

ADDRESS: CABALLO LANE, EDINBURG, TEXAS 78542  
SURVEYED: FEBRUARY 17, 2023  
REQUESTED BY: LOU CONTRERAS  
OWNER: ARMANDO CONTRERAS AND LOURDES CONTRERAS

FLOOD ZONE DESIGNATION: "ZONE AE" - BASE FLOOD ELEVATIONS DETERMINED.  
BFE: 86'

COMMUNITY-PANEL NUMBER: 480338 0010 E  
MAP REVISED: JUNE 6, 2000

I, LEO L. RODRIGUEZ, JR., CERTIFY THAT THIS PLAT REPRESENTS THE FACTS  
FOUND ON THE GROUND AT THE TIME OF SURVEY AND THAT THERE ARE NO  
VISIBLE OR APPARENT EASEMENTS, DISCREPANCIES, CONFLICTS, OR  
SHORTAGES IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS, OR  
OVERLAPPING OF IMPROVEMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN  
ON THIS PLAT. NO SUBSURFACE UTILITIES OR SERVICE CONNECTIONS ARE  
SHOWN. © COPYRIGHT 2018 SAM ENGINEERING & SURVEYING. THIS SURVEY  
WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE BORROWER NAMED  
HEREON, IN CONJUNCTION WITH THE ORIGINAL TRANSACTION WHICH SHALL  
TAKE PLACE WITHIN 6 MONTHS AFTER THE SURVEY WAS PROVIDED. NO  
LICENSE HAS BEEN CREATED OR IMPLIED COPY THIS SURVEY. SURVEY VALID  
ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE.

LEO L. RODRIGUEZ, JR. DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2448

JOB NUMBER	DRAWN BY	RVWD. BY	DATE
SUR 23.076	E.R.	L.L.R.	5/01/2023

SHEET 1 OF 3: SURVEY PLAT

LEGEND	
●	- FND. 1/2" IRON ROD
●	- FND. 5/8" IRON ROD
○	- SET 1/2" IRON ROD W/PLASTIC CAP STAMPED "SAMES"
—	- PROPERTY LINE
H.C.M.R.	- HIDALGO COUNTY MAP RECORDS
H.C.D.R.	- HIDALGO COUNTY DEED RECORDS
O.R.H.C.	- OFFICIAL RECORDS OF HIDALGO COUNTY
R.O.W.	- RIGHT OF WAY
FND.	- FOUND

SURVEY NOTES:

1. BASIS OF BEARING THE EAST RIGHT OF WAY LINE OF NORTH FRONTAGE  
ROAD, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z, PAGE  
161, DEED RECORDS OF HIDALGO COUNTY, TEXAS.
2. ALL COORDINATES, BEARINGS, AND DISTANCES, ARE BASED ON THE TEXAS  
COORDINATE SYSTEM, (NAD 83), TEXAS STATE PLANES, SOUTH ZONE, US  
SURVEY FEET, GRID. BEARINGS AND DISTANCES SHOWN IN PARENTHESIS ARE  
BASED ON RECORDED DOCUMENT.
3. ALL HORIZONTAL CONTROL ON THIS PROJECT WAS ESTABLISHED UTILIZING  
RTK GPS METHODS.
4. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF  
TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS THAT ARE NOT SHOWN.

THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR  
OFFERING EVIDENCE OF THE MATTERS:

5. SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS OF THE COUNTY OF  
HIDALGO AND ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN  
WHICH THE PROPERTY MAY BE LOCATED OR HOLDING EXTRA TERRITORIAL  
JURISDICTION OF SAID PROPERTY.

PLAT SHOWING

8.99 (391,517.81 SQ. FT.) ACRE TRACT OF LAND, COMPRISED OF A  
4.02 (174,941.14 SQ. FT.) ACRE TRACT OF LAND CONVEYED TO  
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RECORDED IN VOLUME "Z", PAGE 161, DEED RECORDS, IN THE OFFICE  
OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS.



200 S. 10TH STREET, SUITE 1500 TEL: (956) 702-8880  
MCALLEN, TEXAS 78501 FAX: (956) 702-8883

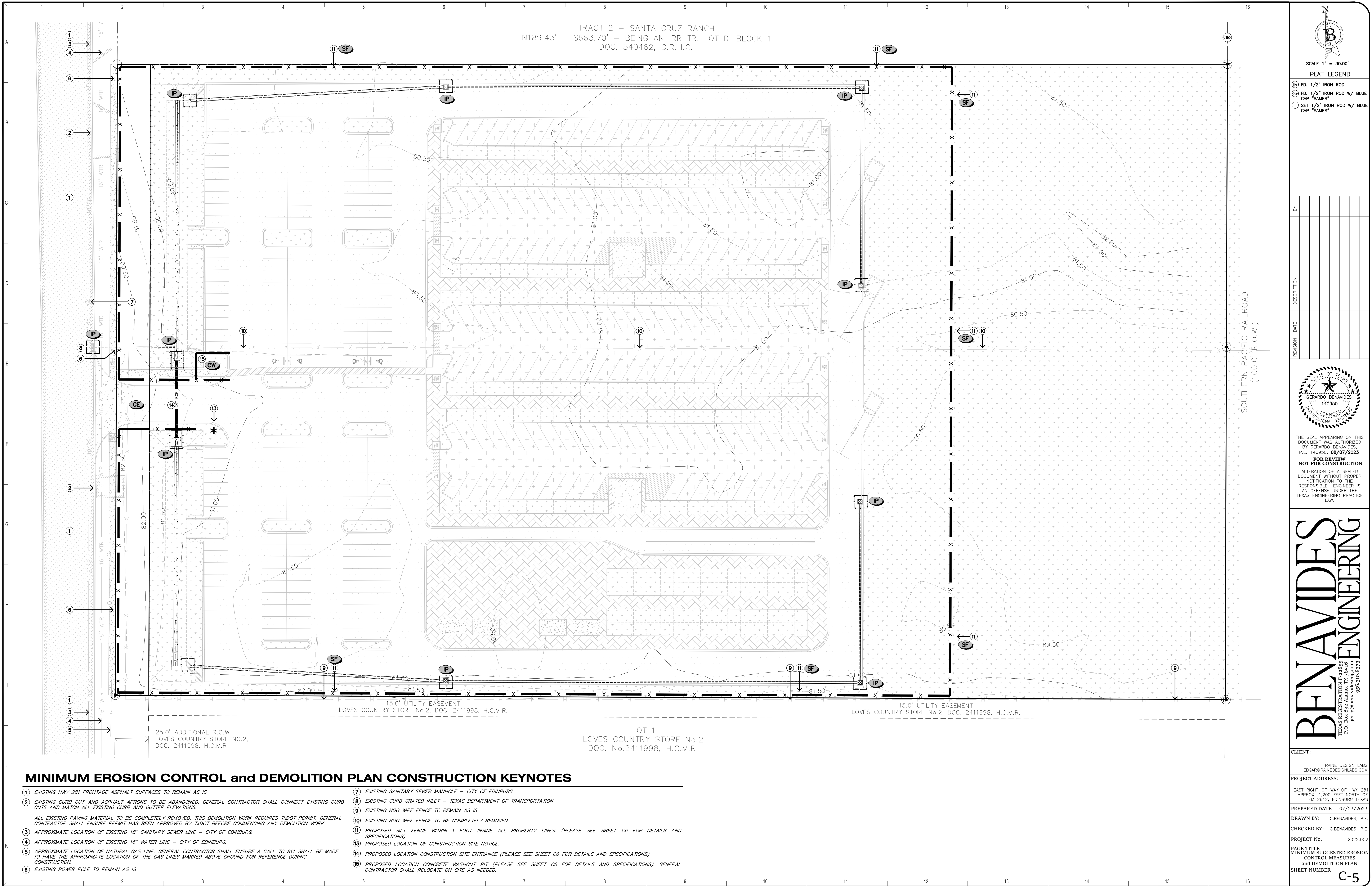
SURVEY FIRM REG. No. 101416-00

MCALLEN TX. | BAYLORVILLE TX. | SANTA FE NM. | LOS ALAMOS NM.

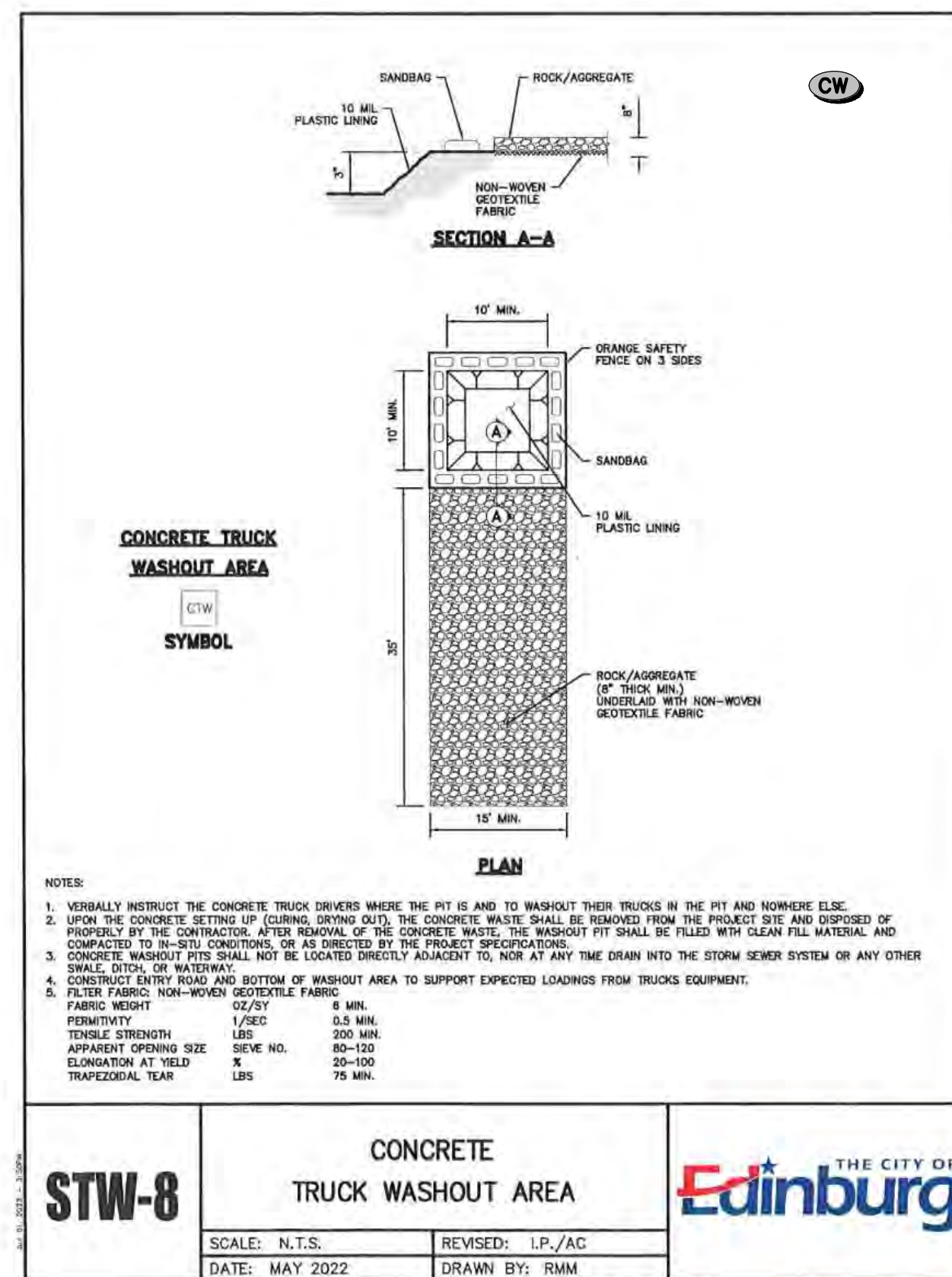
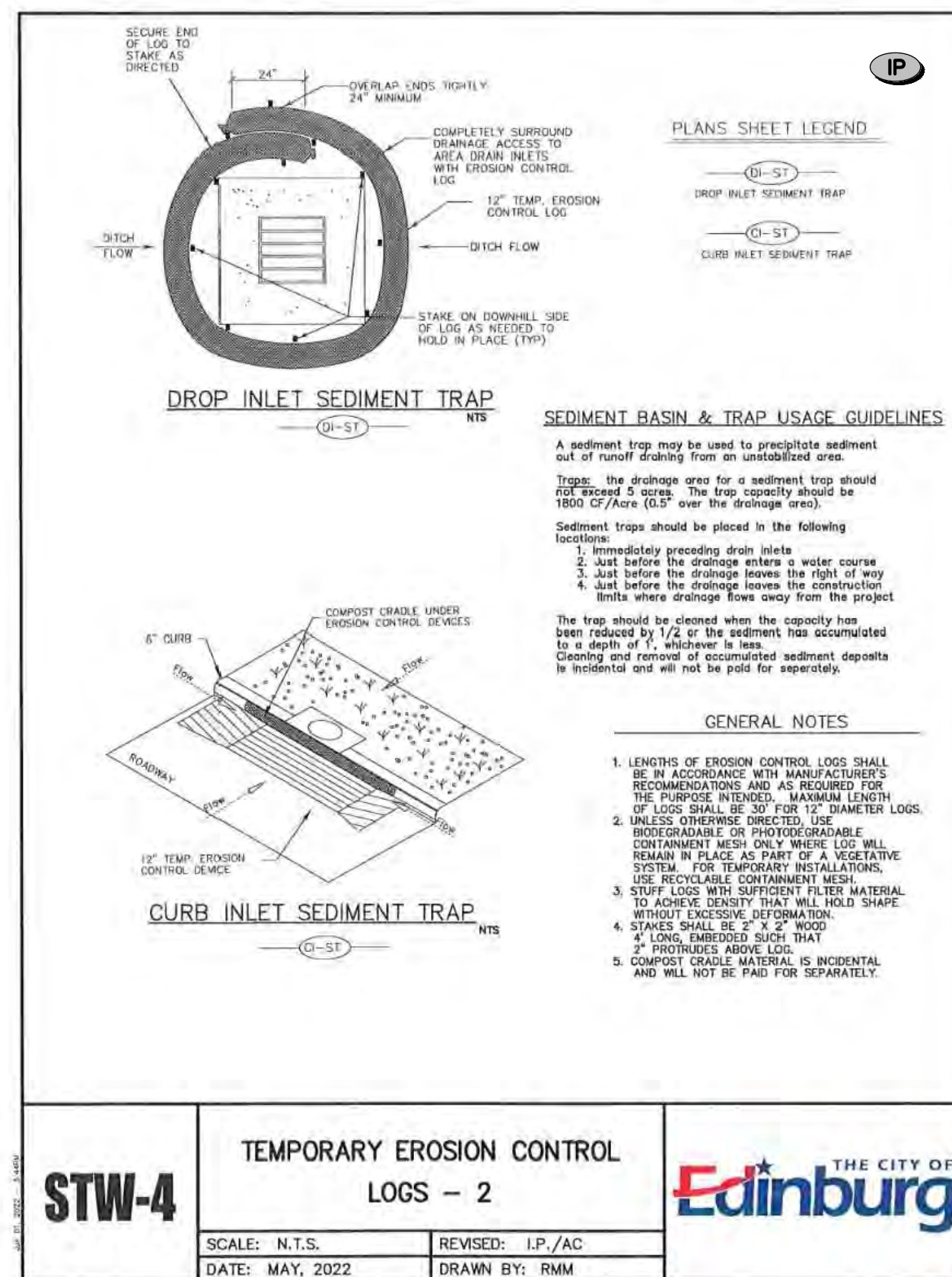


	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
A	GENERAL NOTES															
B	1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY CONSTRUCTION STANDARDS AND SPECIFICATIONS WHERE APPLICABLE. IN THE EVENT THAT THE CITY STANDARD DETAILS DO NOT APPLY, APPLICABLE COUNTY STANDARD CONSTRUCTION DETAILS AND SPECIFICATIONS SHALL GOVERN.															
C	2. THE CONTRACTOR SHALL BEGIN WORK AS DIRECTED BY THE OWNER/CITY OR THE NOTICE TO PROCEED.															
D	3. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND INSPECTIONS PRIOR TO AND THROUGHOUT CONSTRUCTION.															
E	4. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN NEAT AND ACCURATE CONSTRUCTION RECORDS FOR THE OWNER/CITY'S USE. THE CONTRACTOR SHALL PROVIDE THE CITY CLEAN AND ACCURATE FULL SIZE REPRODUCIBLE RECORD DRAWINGS WHICH CLEARLY DESCRIBE ALL CONSTRUCTION AND ANY DEVIATIONS FROM THE PLANS.															
F	5. ALL SHOP DRAWINGS AND SUBMITTALS SHALL BE PROOFREAD AND REVIEWED BY THE GENERAL CONTRACTOR FOR APPROVAL PRIOR TO SUBMITTAL TO THE ENGINEER. SUBCONTRACTOR / GENERAL CONTRACTOR SHALL CLEARLY INDICATE, MARK, HIGHLIGHT, AND PROPERLY CLARIFY PRODUCTS TO BE CONSIDERED FOR APPROVAL. SUBMITTALS NOT PROOFREAD OR REVIEWED OR CLARIFIED PROPERLY SHALL BE RETURNED UNREVIEWED. CONTRACTOR SHALL RESUBMIT SHOP DRAWINGS AND ALLOW FOR SUITABLE REVIEW TIME. SUITABLE REVIEW TIME SHALL BE SEVEN (7) WORKING DAYS FOR TYPICAL SUBMITTALS AND LONGER DEPENDING ON THE SIZE AND NATURE OF THE SUBMITTAL.															
G	6. CONTRACTOR SHALL BE RESPONSIBLE FOR QUALITY CONTROL IN THE REQUIRED CONSTRUCTION SURVEYING AND MATERIALS TESTING. DIMENSIONS SHOWN AND DIGITAL FILES PROVIDED SHALL BE USED TO LAYOUT THE SITE.															
H	7. ALL ADJACENT PROPERTY DAMAGED BY THE PROPOSED CONSTRUCTION SHALL BE RESTORED TO EQUAL OR BETTER CONDITION THAN WHICH IT WAS FOUND BEFORE SUCH WORK WAS UNDERTAKEN (NON-PAY ITEM).															
I	8. IF APPLICABLE, ALL EFFORTS SHALL BE MADE TO AVOID DAMAGE TO EXISTING TREES THAT ARE TO REMAIN. TREES SHALL BE TRIMMED AND PAINTED ONLY IF NECESSARY FOR THE SAFE MANEUVERING OF CONSTRUCTION EQUIPMENT. CONTRACTOR SHALL RECEIVE PRIOR APPROVAL FROM THE OWNER'S FIELD REPRESENTATIVE FOR REMOVAL OF ANY TREES. WHEN EXCAVATING AROUND A TREE, THE ROOTS SHALL BE CLEAN CUT PRIOR TO ANY EXCAVATION WORK. DO NOT SNAG AND TEAR TREE ROOTS															
J	9. IF APPLICABLE, ALL EXISTING FENCES ARE TO REMAIN UNLESS SPECIFIED OTHERWISE BY THE OWNERS REPRESENTATIVE. ANY DAMAGE TO FENCES SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE WITH NEW AND LIKE MATERIALS. TEMPORARY CONSTRUCTION SITE SECURITY FENCES ARE REQUIRED.															
K	10. THE CONTRACTOR IS RESPONSIBLE FOR KEEPING EXISTING DRIVEWAYS AND SIDEWALKS FREE OF MUD AND DEBRIS FROM THE CONSTRUCTION AT ALL TIMES.															
L	11. ALL EXCAVATION IS UNCLASSIFIED AND SHALL INCLUDE ALL MATERIALS ENCOUNTERED TO INCLUDE BUT NOT BE LIMITED TO ROCK, RUBBLE, DEBRIS, TRASH, ETC. UNUSABLE EXCAVATED MATERIAL AND ALL WASTE RESULTING FROM SITE CLEARING AND GRUBBING SHALL BE DISPOSED OF OFF SITE AT THE CONTRACTOR'S EXPENSE UNLESS OTHERWISE SPECIFIED OR AGREED TO BY OWNER.															
M	12. THE CONTRACTOR SHALL TAKE ALL AVAILABLE PRECAUTIONS TO CONTROL DUST. CONTRACTOR SHALL CONTROL DUST BY SPRINKLING WATER, OR BY OTHER MEANS, APPROVED BY THE CITY AND ENGINEER.															
N	13. THE CONTRACTOR SHALL NOTIFY THE OWNER/CITY REPRESENTATIVE OF OFF-SITE EXCESS SPOILS SITES THAT ARE TO BE UTILIZED															
O	14. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SITE DRAINAGE DURING ALL PHASES OF CONSTRUCTION. THE CONTRACTOR SHALL USE SILT FENCES (OR OTHER METHODS APPROVED BY THE ENGINEER AND CITY) AS REQUIRED TO PREVENT SILT AND CONSTRUCTION DEBRIS FROM FLOWING ONTO ADJACENT PROPERTIES. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL EROSION, CONSERVATION, AND SILTATION ORDINANCES. CONTRACTOR SHALL REMOVE ALL TEMPORARY EROSION CONTROL DEVICES UPON COMPLETION OF PERMANENT DRAINAGE FACILITIES FOR THE ESTABLISHMENT OF GRASS OR OTHER GROWTH TO PREVENT EROSION.															
P	15. DISTURBED AREAS THAT ARE SEEDED SHALL BE CHECKED PERIODICALLY FOR FULL COVERAGE OF GRASS. ALL DISTURBED AREAS SHALL BE WATERED, FERTILIZED, AND SEEDED OR SODDED AS NECESSARY AND BY DEFINITION 'MAINTAINED' UNTIL AN ESTABLISHED STAND OF GRASS CAN BE RELEASED TO THE OWNER. REFERENCE LANDSCAPE/IRRIGATION PLAN (IF PROVIDED) TO COORDINATE PLANTING ENHANCEMENTS AND LIMITS OF IRRIGATION COVERAGE.															
Q	16. CONTRACTOR SHALL NOT STORE MATERIALS, EQUIPMENT OR OTHER CONSTRUCTION ITEMS ON ADJACENT PROPERTIES OR ADJACENT RIGHT-OF-WAYS WITHOUT THE PRIOR WRITTEN CONSENT OF THE PROPERTY OWNER AND THE CITY. ALL CONSTRUCTION WASTE MATERIALS TO BE REMOVED SHALL BE DISPOSED OF AT A PERMITTED LOCATION OFF SITE, UNLESS WRITTEN APPROVAL IS OBTAINED FROM THE CITY.															
R	17. CIVIL SITE WORK COMPONENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE INDUSTRY STANDARDS OR CITY STANDARDS, WITH THE MORE STRINGENT DESIGN CONSIDERED AS THE ACCEPTABLE SPECIFICATION.															
S	18. CONTRACTOR SHALL BE SOLE RESPONSIBLE PARTY FOR ENSURING COMPLIANCE WITH STATE AND FEDERAL LABOR, ENVIRONMENTAL, SAFETY, AND CONSTRUCTION GUIDELINES, RULES, AND REGULATIONS.															
T	19. CONTRACTOR SHALL BE RESPONSIBLE FOR REPORTING ANY CONFLICTS TO THE ENGINEER PRIOR TO CONSTRUCTION. ANY NECESSARY CHANGES OR MODIFICATIONS RESULTING FROM THE CONTRACTOR'S NEGLIGENCE, OR LACK OF WRITTEN COMMUNICATION WITH THE ENGINEER SHALL RESULT IN NON PAYMENT TO THE CONTRACTOR.															
U	20. ANY BUILDING PAD LOCATIONS SHOWN ON CIVIL PLANS ARE FOR CONVENIENCE TO THE CONTRACTOR. ONLY THE STRUCTURAL AND ARCHITECTURAL DRAWINGS SHALL BE USED FOR LAYING OUT BUILDINGS. THE BUILDING LAYOUT SHOWN ON CIVIL PLANS IS INTENDED TO GIVE THE LIMITS OF EXCAVATION. DISCREPANCIES WHICH MAY IMPACT THE SITE LAYOUT SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.															
V	21. TEXAS ACCESSIBILITY STANDARD SPECIFICATIONS SHALL PREVAIL WHEN PERTAINING TO HANDICAP PARKING SPACES, TEXTURED FINISHES, RAMPS, ACCESS LANES, ETC. CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE COMPLIANCE WITH APPLICABLE AMERICAN WITH DISABILITIES ACT REGULATIONS. CONTRACTOR SHALL PRESENT ANY CONFLICTS BETWEEN THE CIVIL PLANS AND THE TDLR/ADA REQUIREMENTS TO THE ENGINEER PRIOR TO CONSTRUCTION.															
W	22. CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE ONE-CALL SYSTEM FOR UTILITY IDENTIFICATION PRIOR TO CONSTRUCTION, AS WELL AS RESPONSIBLE FOR THE COST OF REPAIRS TO ANY DAMAGED UTILITIES.															
X	DEMOLITION NOTES															
Y	1. NO EARTH-DISTURBING ACTIVITIES SHALL COMMENCE UNTIL ALL PERMITS ARE OBTAINED AND PERIMETER EROSION CONTROL MEASURES ARE IN PLACE.															
Z	2. ALL DEMOLITION SHALL BE CLOSELY COORDINATED WITH THE OWNER'S REPRESENTATIVE REGARDING ITEMS TO BE SALVAGED, THOSE TO BE REMOVED, ETC. INCLUDING ANY AND ALL PRESERVATION AND TRANSPLANTING ACTIVITIES, AS OUTLINED IN THE PRE-CONSTRUCTION MEETING. REMOVAL, RELOCATION AND/OR DISPOSAL OF ANY PRE-EXISTING ON-SITE TRASH, DEBRIS, OR STOCKPILES SHALL BE INCLUDED IN THE TOTAL COST OF DEMOLITION AND SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE AT ALL TIMES.															
[A]	3. CONTRACTOR SHALL COMPLY TO THE FULLEST EXTENT WITH ALL REGULATIONS GOVERNING AGENCIES REGARDING THE DEMOLITION, REMOVAL, TRANSPORTATION AND DISPOSAL OF ALL DEMOLITION DEBRIS.															
[B]	4. INGRESS AND EGRESS POINTS, PROPOSED DISPOSAL SITES, AND HAUL ROUTES MUST BE APPROVED BY CITY OFFICIALS PRIOR TO REMOVAL OF DEMOLITION DEBRIS OFF-SITE.															
[C]	5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING DISCONNECTION OF ALL UTILITIES SERVING THE EXISTING SITE WITH THE APPROPRIATE UTILITY COMPANY, AND SHALL OBTAIN APPROVAL FROM SAME TO COMMENCE DEMOLITION ACTIVITIES.															
[D]	6. CONTRACTOR SHALL COMPLY TO THE FULLEST EXTENT WITH THE LATEST OSHA STANDARDS FOR EXCAVATION AND TRENCHING PROCEDURES. CONTRACTOR SHALL USE SUPPORT SYSTEMS, SLOPING, BENCHING, ETC. AS NECESSARY FOR THESE OPERATIONS, AND SHALL COMPLY WITH ALL OSHA PERFORMANCE CRITERIA.															
[E]	7. THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR THE PROTECTION OF ALL PROPERTY CORNER MONUMENTS, BENCHMARKS, CONTROL POINTS, ETC., AND SHALL HAVE, AT HIS EXPENSE, ALL CORNER MONUMENTS REPLACED WHICH ARE DISTURBED BY CONSTRUCTION ACTIVITIES.															
[F]	8. THE CONTRACTOR SHALL INCUR ALL COSTS FOR MAINTENANCE AND REPAIR OF THE EXISTING FENCES TO REMAIN, IRRIGATION SYSTEMS TO REMAIN, UTILITY LINES, ETC., AS OUTLINED IN THE SPECIFICATIONS.															
[G]	9. THE CONTRACTOR SHALL LOCATE AND REMOVE ALL UNDERGROUND UTILITY CABLES (ELECTRIC, TELEPHONE, ETC.) UP TO A DEPTH OF 24 INCHES BELOW GRADE AS PART OF THE BASE BID.															
[H]	10. THE CONTRACTOR SHALL LOCATE AND REMOVE ALL UNDERGROUND UTILITY PIPING, CONDUIT, AND CABLES, REGARDLESS OF DEPTH, IN THE AREA OF THE PROPOSED BUILDING(S) FOUNDATIONS.															
[I]	11. NOTES SHOWN HEREON REGARDING SPECIFIC ITEMS OF DEMOLITION ARE GENERAL IN NATURE, AND ARE NOT INTENDED TO BE WHOLLY INCLUSIVE. THE CONTRACTOR SHALL DEMOLISH AND REMOVE ALL EXISTING IMPROVEMENTS TO THE SATISFACTION OF THE OWNER, AS NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS, AND TO THE EXTENT AS NOTED IN THE SPECIFICATIONS.															
[J]	12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PLUGGING, CAPPING, OR OTHERWISE TERMINATING UTILITY SERVICE LINES AT EXISTING METER LOCATIONS, CLEANOUTS, ETC. A MIN. DISTANCE OF 1 FOOT OUTSIDE THE LIMITS OF THE TRACT SHOWN.															
[K]	13. THE CONTRACTOR SHALL CREATE AMPLE STAGING AND STOCKPILENG AREAS FOR THE DELIVERIES OF CONSTRUCTION MATERIALS, CONCRETE DELIVERIES, TOPSOIL, ETC. IN ACCORDANCE WITH THE OWNER'S REPRESENTATIVE AND THE PROJECT SPECIFICATIONS.															
[L]	14. CONTRACTOR SHALL BEAR SOLE RESPONSIBILITY FOR THE VERIFICATION OF EXISTING UTILITIES. THE LOCATIONS SHOWN ON THE PLANS ARE BASED ON EASILY ASCERTAINABLE RECORDS COMPILED FROM VARIOUS UTILITY COMPANIES AND REGULATING ENTITIES. CONTRACTOR SHALL NOTIFY ALL NECESSARY UTILITY HOLDERS PRIOR TO COMMENCEMENT OF WORK. THE CONTRACTOR SHALL BEAR THE RESPONSIBILITY TO RELOCATE ALL EXISTING UTILITIES AT CONTRACTOR'S EXPENSE.															
[M]	15. CONTRACTOR DERIVED DAMAGES TO CONTIGUOUS PROPERTIES DURING THE CONSTRUCTION PHASES OF THE PROJECT SHALL REMAIN THE SOLE RESPONSIBILITY OF THE CONTRACTOR. ENGINEER SHALL BE THE FINAL AUTHORITY DETERMINING RESOLUTION OF THE DAMAGES. THE CONTRACTOR SHALL REMAIN THE SOLE RESPONSIBLE PARTY FOR ANY DAMAGES TO THE PROPERTIES OF OTHERS EVEN WHEN THE DAMAGE WAS CAUSED BY THE CONTRACTOR'S SUB-CONTRACTORS															
[N]	16. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL APPLICABLE PERMITS AND STATE CLEARANCES FOR THE DEMOLITION OF ANY STRUCTURES, INCLUDING UNDERGROUND UTILITIES, STORAGE TANKS, BUNKERS, BASEMENTS, ETC.															
[O]	17. CONTRACTOR SHALL BE RESPONSIBLE FOR THE LEGAL DISPOSAL OF ALL DEBRIS AND MATERIAL GENERATED FROM THE DEMOLITION ACTIVITIES OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE TO PRESENT ENGINEER WITH WASTE DISPOSAL EVIDENCE UPON REQUEST BY THE ENGINEER.															
[P]	PAVING NOTES															
[Q]	1. IF REQUIRED, AND APPLICABLE TO THE PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF A MAXIMUM NUMBER OF PASSING FIELD DENSITY TESTS ON THE STABILIZED SUBGRADE FOR SITE PAVING EQUAL TO THE RATIO OF 1 PER 5,000 SQUARE FEET OF PAVEMENT (AND ALL FAILING DENSITY TESTS AND REQUIRED MOISTURE DENSITY CURVES). ADDITIONAL FIELD DENSITY TESTS MAY BE REQUIRED FOR FOUNDATIONS. REFER TO STRUCTURAL PLANS AND SPECIFICATIONS FOR SUCH. IN ADDITION, THE CONTRACTOR SHALL PROVIDE THE OWNER TEN (10) PASSING SITE PAVEMENT CORES FOR THE OWNERS USE IN THE OWNER'S TESTING FOR THICKNESS AND COMPRESSIVE STRENGTH. CORE LOCATIONS SHALL BE DESIGNATED BY THE OWNER. CONTRACTOR SHALL PATCH CORE HOLES AND FINISH WITH LIKE AND MATCHING MATERIALS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL TESTING COSTS SHOULD THE ABOVE TESTS FAIL MINIMUM CRITERIA AS ESTABLISHED BY CITY OR COUNTY..															
[R]	2. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR PERFORMING ALL CONSTRUCTION LAYOUTS FROM THE SITE LAYOUT DIGITAL CONTROL POINTS AND FROM THE DIMENSIONS SHOWN. THE CONTRACTOR MUST NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN ADVANCE AND ALLOW FOR THE ENGINEER'S RESPONSE BEFORE PROCEEDING WITH THE WORK.															
[S]	3. ALL PAVING DIMENSIONS ARE TO FACE OF CURB, AND EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.															
[T]	4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO SUPPLY THE CITY AND THE ENGINEER WITH A CONCRETE MIX DESIGN AT THE PRE-CONSTRUCTION MEETING FOR REVIEW AND APPROVAL. THE COST OF THIS															

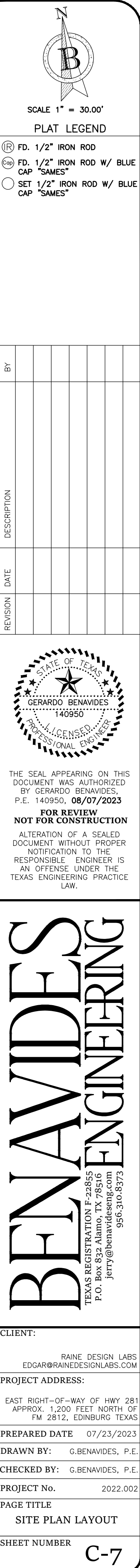














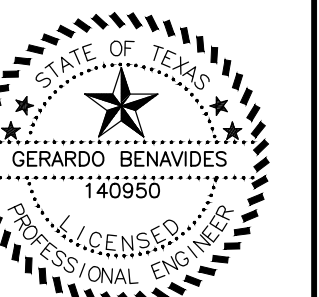


1. CONCRETE SHALL CONSIST OF NO LESS THAN 4,000 PSI COMPRESSIVE STRENGTH AT 28 DAYS.
2. SUBGRADE SHALL BE COMPACTED TO 90% MAX DENSITY.
3. FOR APPLICATIONS ADJACENT TO ROADWAYS, CONTRACTOR SHALL MAKE ASSURE THAT INSTALLATION BE WITHIN R.O.W.

**TYPICAL SIDEWALK  
DETAIL (public and private)**  
NOT TO SCALE



DRAWN	DATE	AUGUST 2011	FIGURE NUMBER  <b>2</b>
CHECKED	SCALE	AS SHOWN	
REVIEWED	JOB NO.	103-94657	
FILE NO.	DWG NO.	40-BLANK-TWOVVS	



HE SEAL APPEARING ON THIS  
DOCUMENT WAS AUTHORIZED  
BY GERARDO BENAVIDES,  
P.E. 140950, **08/07/2023**  
**FOR REVIEW**  
**NOT FOR CONSTRUCTION**  
ALTERATION OF A SEALED  
DOCUMENT WITHOUT PROPER  
NOTIFICATION TO THE  
RESPONSIBLE ENGINEER IS  
AN OFFENSE UNDER THE  
TEXAS ENGINEERING PRACTICE  
LAW.

**BEN AVIDES**  
TECHNICAL ENGINEERING  
TEXAS REGISTRATION #22885  
P.O. Box 832 Alamo, TX 78516  
jerry@benavideseng.com  
956.316.8373

CLIENT:

RAINE DESIGN LABS  
EDGAR@RAINEDESIGNLABS.COM

PROJECT ADDRESS:

EAST RIGHT-OF-WAY OF HWY 281  
APPROX. 1,200 FEET NORTH OF  
FM 2812, EDINBURG TEXAS

PREPARED DATE	07/23/2023
---------------	------------

DRAWN BY: G.BENAVIDES, P.E.

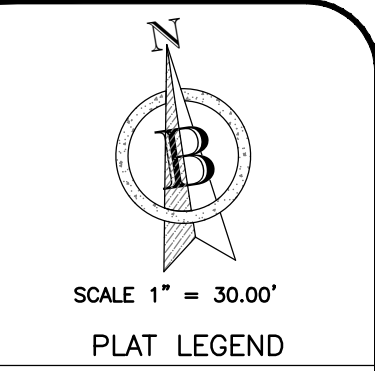
HECKED BY: G.BENAVIDES, P.E.

PROJECT No.	2022.002
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# SITE PLAN DETAILS and SPECIFICATIONS

SHEET NUMBER 99





☒ FD. 1/2" IRON ROD  
☒ FD. 1/2" IRON ROD W/ BLUE CAP "SAMES"  
☐ SET 1/2" IRON ROD W/ BLUE CAP "SAMES"

[illegible]

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY GERARDO BENAVIDES, P.E. 140950, **08/07/2023**

**FOR REVIEW  
NOT FOR CONSTRUCTION**

ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE LAW.

**BENAVIDES**  
TEAMS REGISTRATION F-22852  
P.O. BOX 10000  
JERRY@BENAVIDESINC.COM  
956.310.8373

CLIENT:

RAINE DESIGN LABS  
EDGAR@RAINEDESIGNLABS.COM

---

PROJECT ADDRESS:

EAST RIGHT-OF-WAY OF HWY 281  
APPROX. 1,200 FEET NORTH OF  
FM 2812, EDINBURG TEXAS

PREPARED DATE 07/23/2023  
DRAWN BY: G.BENAVIDES, P.E.

CHECKED BY:	G.BENAVIDES, P.E.
PROJECT No.	2022.002

PAGE TITLE

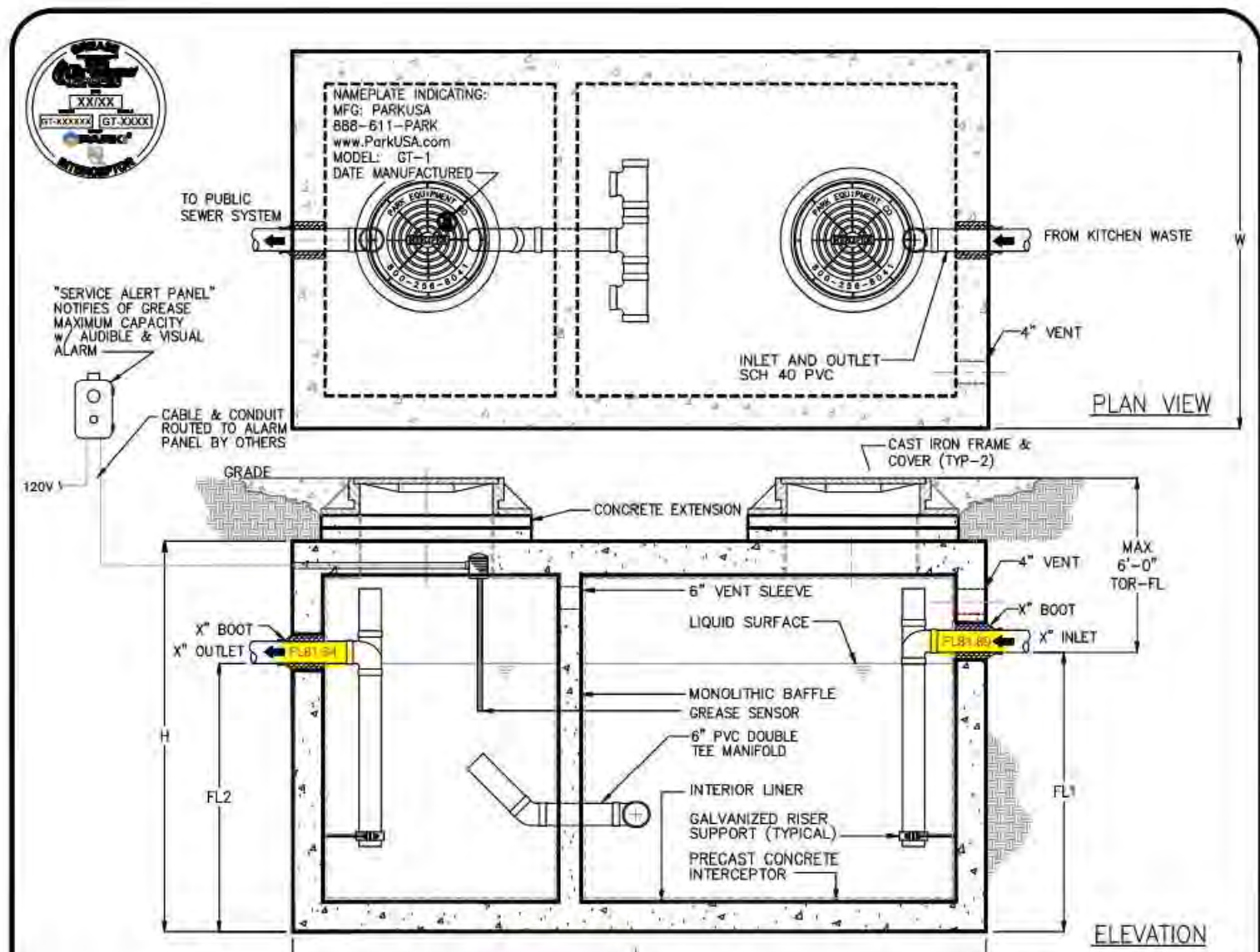
### UTILITY PLAN LAYOUT

SHEET NUMBER

C-9

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GREASE INTERCEPTOR SCHEDULE

MODEL NO.	CAPACITY (GALLONS)	LENGTH (FT.)	WIDTH (IN.)	HEIGHT (IN.)	INLET (IN.)	OUTLET (IN.)
GT-500	500	8.500	17-1/2"	4'-4"	4'-4"	3'-3"
GT-750	750	12.500	21-1/2"	4'-4"	4'-4"	4'-2"
GT-1000	1,000	16.500	25-1/2"	4'-4"	4'-4"	4'-4"
GT-1250	1,250	20.500	29-1/2"	4'-4"	4'-4"	4'-4"
GT-1500	1,500	24.500	33-1/2"	4'-4"	4'-4"	4'-4"
GT-2000	2,000	32.500	41-1/2"	4'-4"	4'-4"	4'-4"
GT-2500	2,500	40.500	49-1/2"	4'-4"	4'-4"	4'-4"
GT-3000	3,000	48.500	57-1/2"	4'-4"	4'-4"	4'-4"
GT-3500	3,500	56.500	65-1/2"	4'-4"	4'-4"	4'-4"
GT-4000	4,000	64.500	73-1/2"	4'-4"	4'-4"	4'-4"

OTHER SIZES ARE AVAILABLE. CONTACT US FOR MORE INFORMATION.

**CONCRETE:** CLASS 1/1 CONCRETE WITH DESIGN STRENGTH OF 4500 PSI AT 28 DAYS. UNIT IS OF MONOLITHIC CONSTRUCTION AT FLOOR (FIRST STATE OF WALL AND PART) WITH SECTIONAL RISE TO REQUIRED DEPTH. (MONOLITHIC BATTLE REQUIRED, SUE-W TYPE IS NOT ACCEPTABLE).

**REINFORCEMENT:** GRADE 60 REINFORCED WITH STEEL REBAR CONFORMING TO ASTM A615 ON REQUIRED CENTERS OR EQUAL.

**C.I. CASTINGS:** MANHOLE FRAMES, COVERS OR GRATES ARE MANUFACTURED OF GREY CAST IRON CONFORMING TO ASTM A48 CLASS 30. MANHOLE SHALL BE NOMINAL 24 INCH DIAMETER AND BE TRAFFIC DUTY.

**ENGINEERING DATA**

THE GREASE INTERCEPTOR IS STRUCTURALLY & HYDRAULICALLY ENGINEERED TO CONFORM TO UPC/IPC AND REGIONAL PLUMBING CODES RECOMMENDED IN MOST CITIES. CONSULT WITH LOCAL AUTHORITIES FOR SPECIFIC APPLICATION REQUIREMENTS.

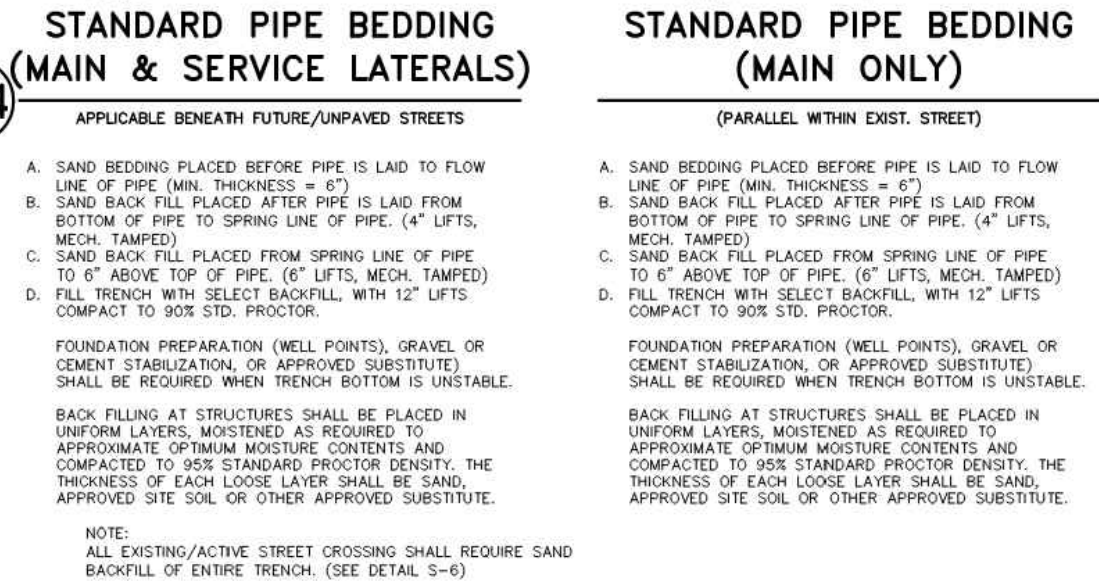
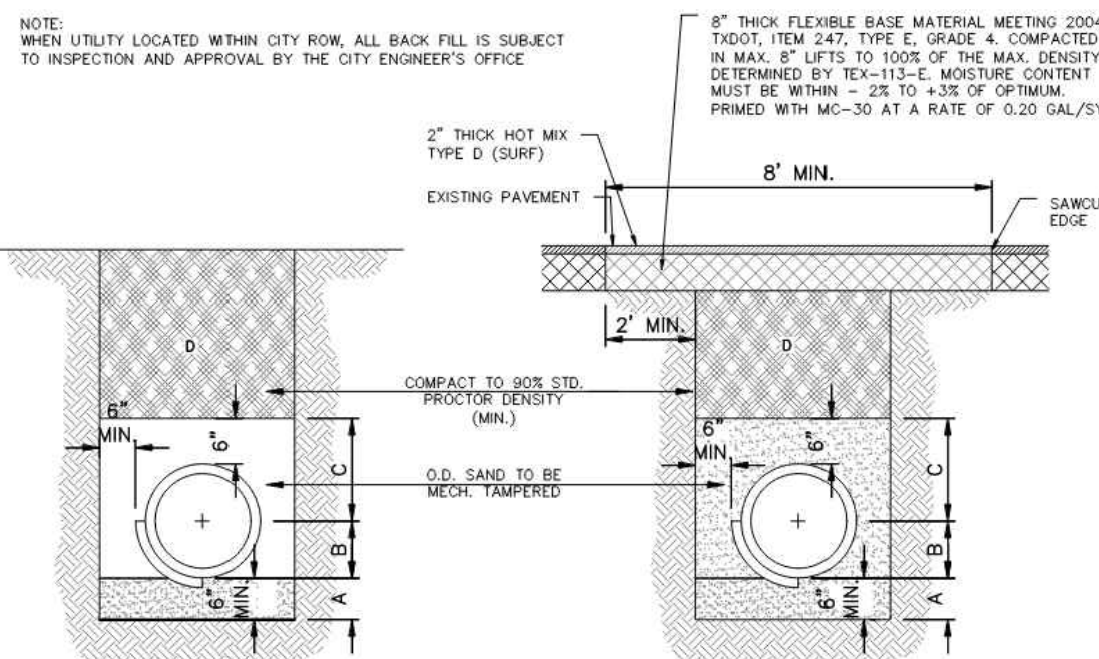
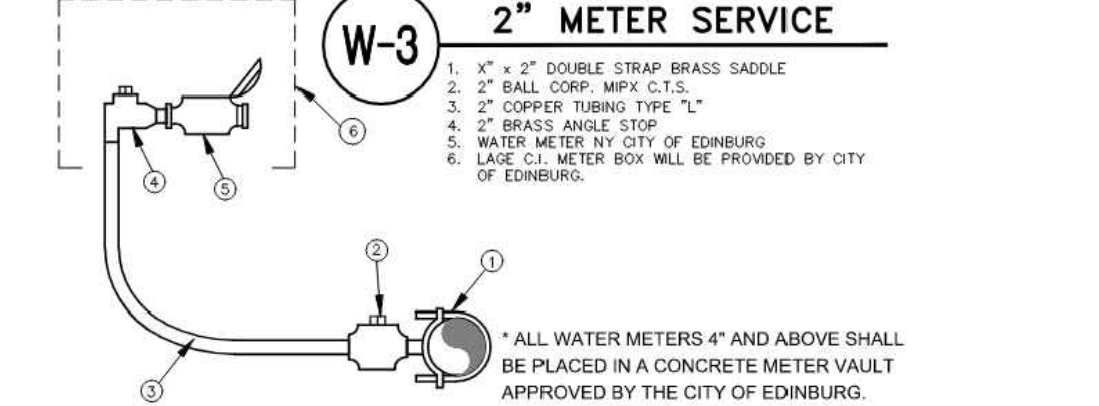
SHOP DRAWINGS SHALL INCLUDE COMPLETE STRUCTURAL & BULKHEAD CALCULATIONS CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER UPON REQUEST.

CONSULT WITH PARKUSA COMPANY FOR EXACT EXCAVATION DIMENSIONS & SHIPPING INFORMATION.

**PARKUSA**  
DESIGN FOR WATER

**GREASE INTERCEPTOR SERIES GT**  
500 THRU 4000 GALLON CAPACITY

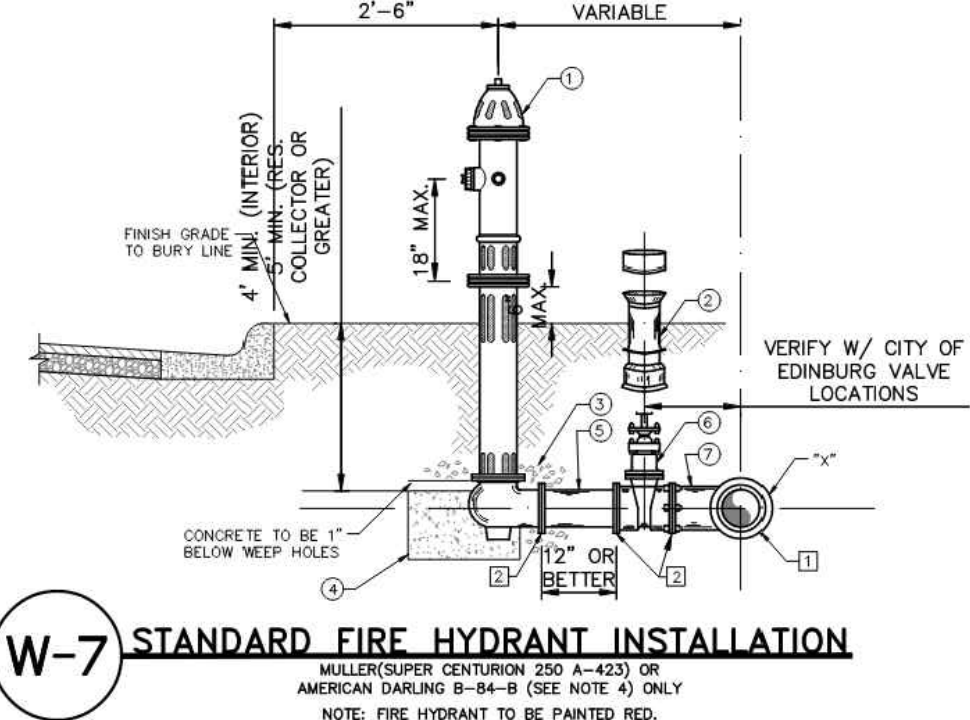
PM	DRN	ENG	DWG. NO.	REV.
DATE	05/18		GT-1	A



**FOUNDATION PREPARATION (WELL POINTS):** GRAVEL OR CEMENT STABILIZATION, OR APPROVED SUBSTITUTE, SHALL BE REQUIRED WHEN TRENCH BOTTOM IS UNSTABLE.

**BACK FILLING AT STRUCTURES:** SHALL BE PLACED IN UNIFORM LAYERS, MOISTENED AS REQUIRED TO APPROXIMATE OPTIMUM MOISTURE CONTENTS AND COMPACTED TO 90% STANDARD PROCTOR DENSITY. THE THICKNESS OF EACH LOOSE LAYER SHALL BE SAND, APPROVED SITE SOIL, OR OTHER APPROVED SUBSTITUTE.

**NOTE:** ALL EXISTING/ACTIVE STREET CROSSINGS SHALL REQUIRE SAND BACKFILL OF ENTIRE TRENCH. (SEE DETAIL S-15)



**CONSTRUCTION NOTES:**

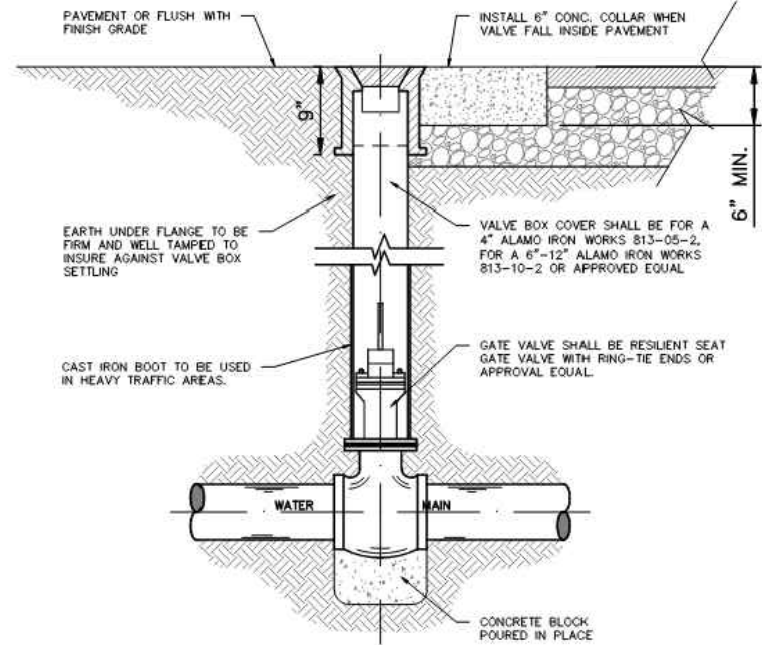
A. WATER MAIN (SEE PLANS AND SPECIFICATIONS).

B. TAPPING SLEEVE (SEE AS REQUIRED).

C. CONCRETE SUPPORT UNDER TAPPING SLEEVE AND BEHIND.

D. THRUST BLOCK AS PER SPECIFICATIONS.

E. FLANGED AND HUB ENDS 12\"/>



**CONSTRUCTION NOTES:**

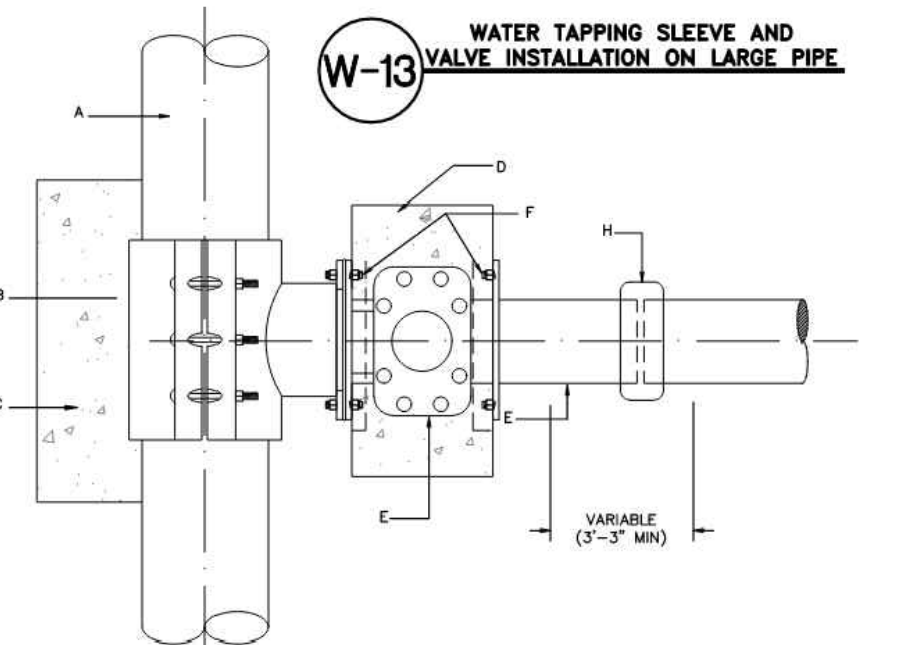
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**CONSTRUCTION NOTES:**

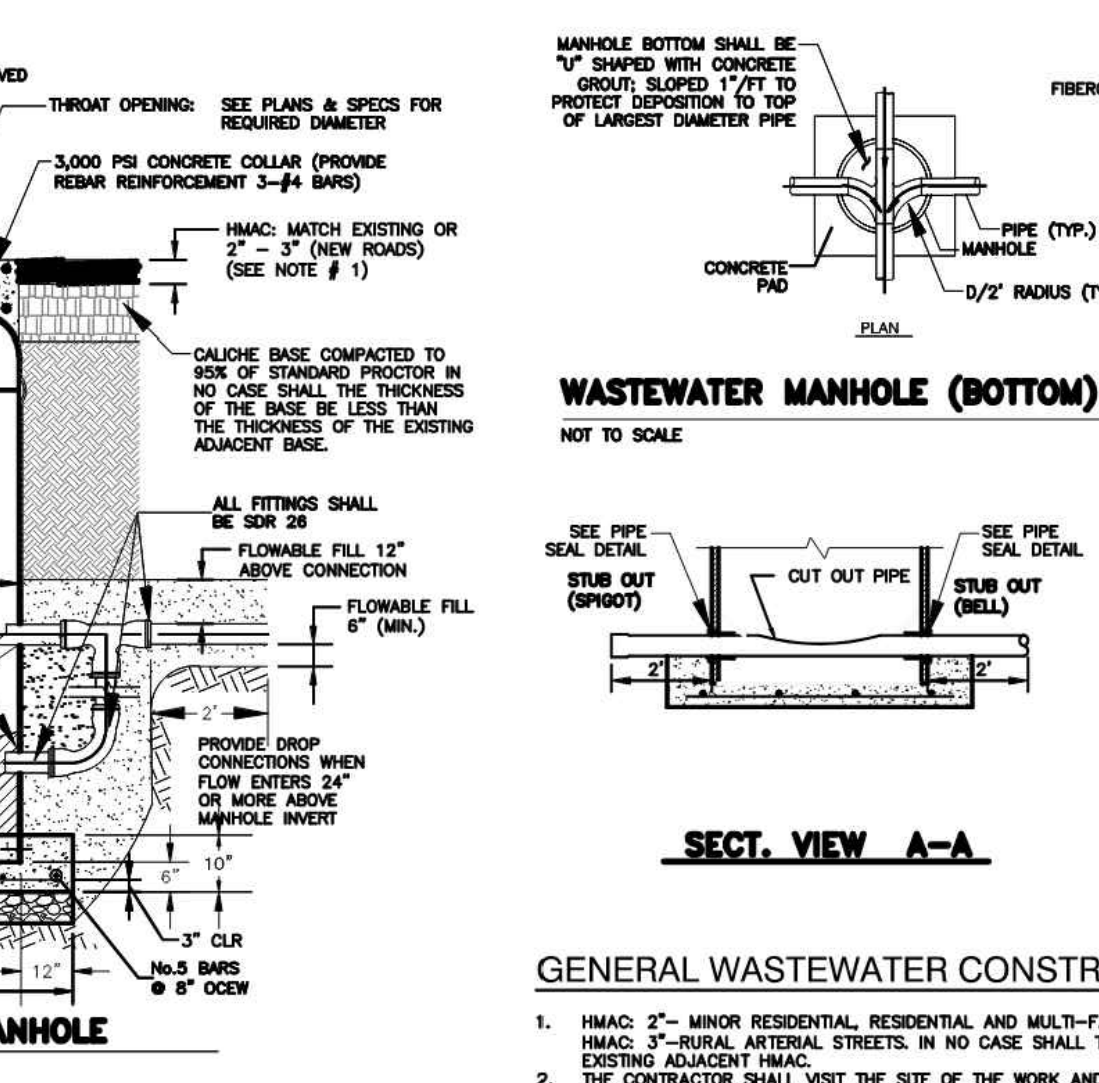
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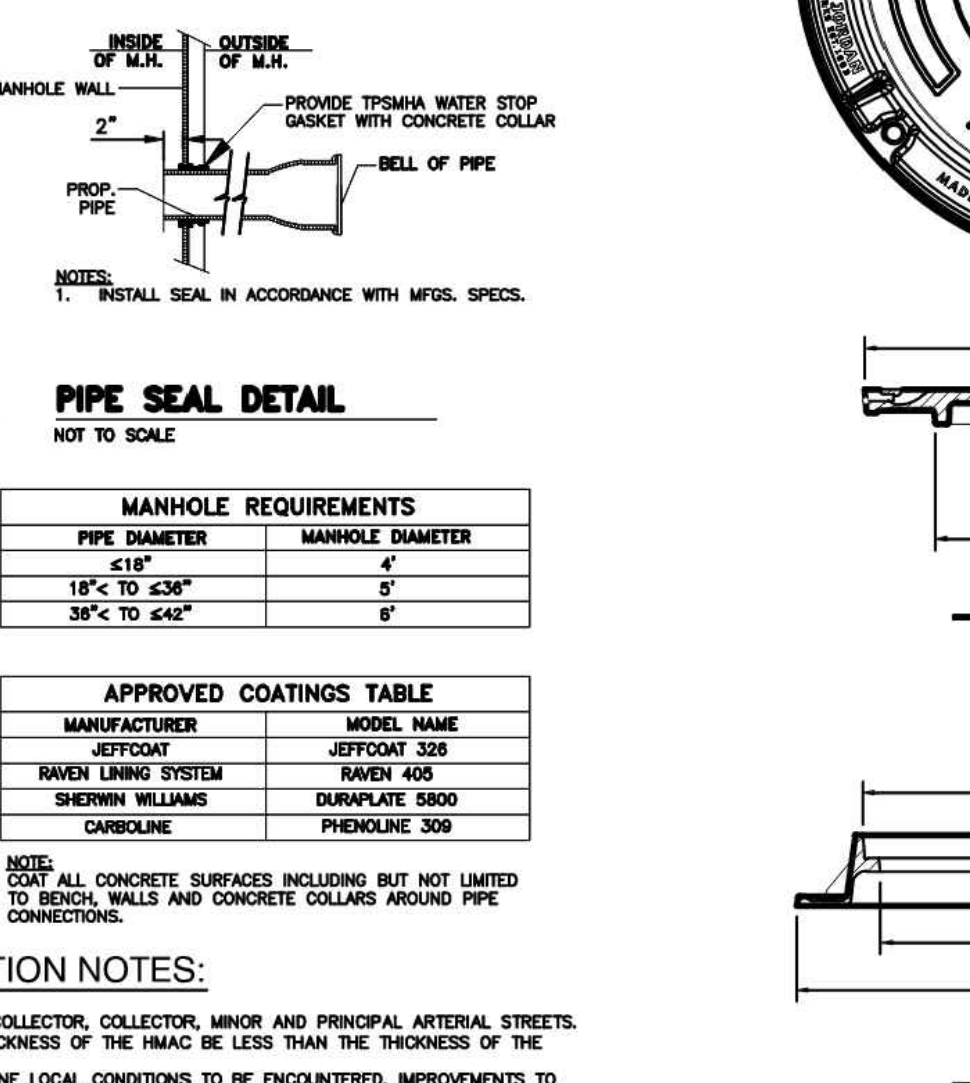
D. THRUST BLOCK AS PER SPECIFICATIONS.

E. FLANGED AND HUB ENDS 12\"/>



**GENERAL WASTEWATER CONSTRUCTION NOTES:**

- HMA: 2\"/>



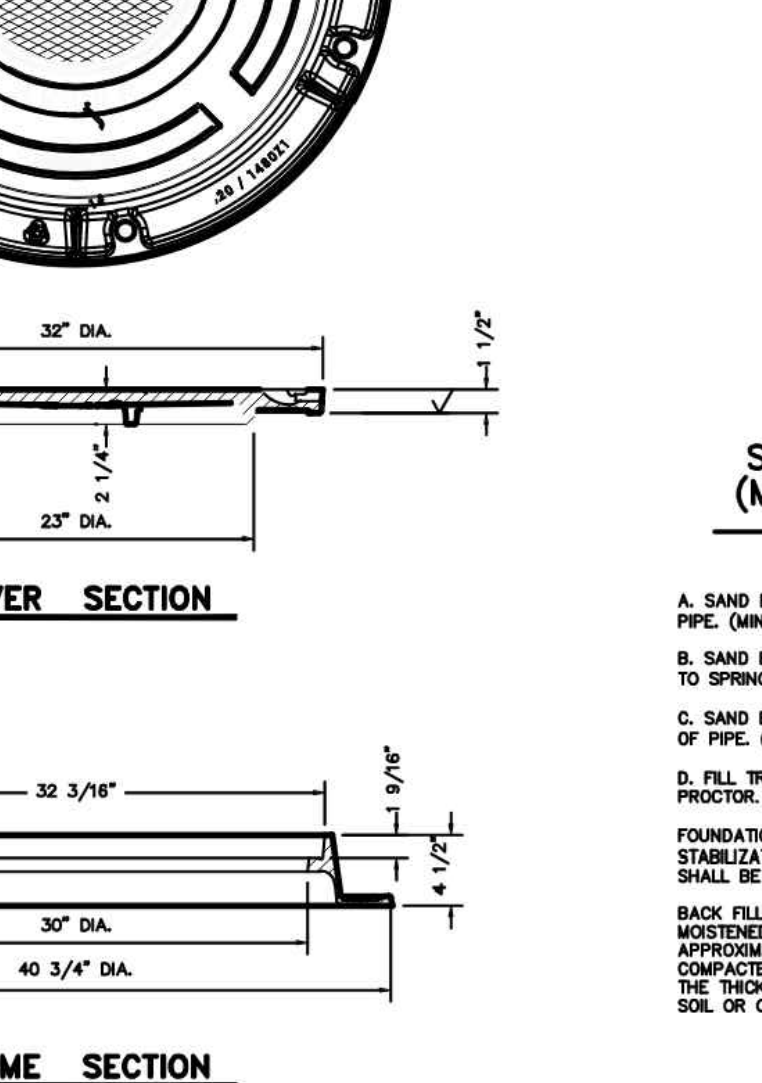
**MANHOLE REQUIREMENTS**

PIPE DIAMETER	MANHOLE DIAMETER
≤ 18"	4'
18" to ≤ 36"	5'
36" to ≤ 42"	6'

**APPROVED COATINGS TABLE**

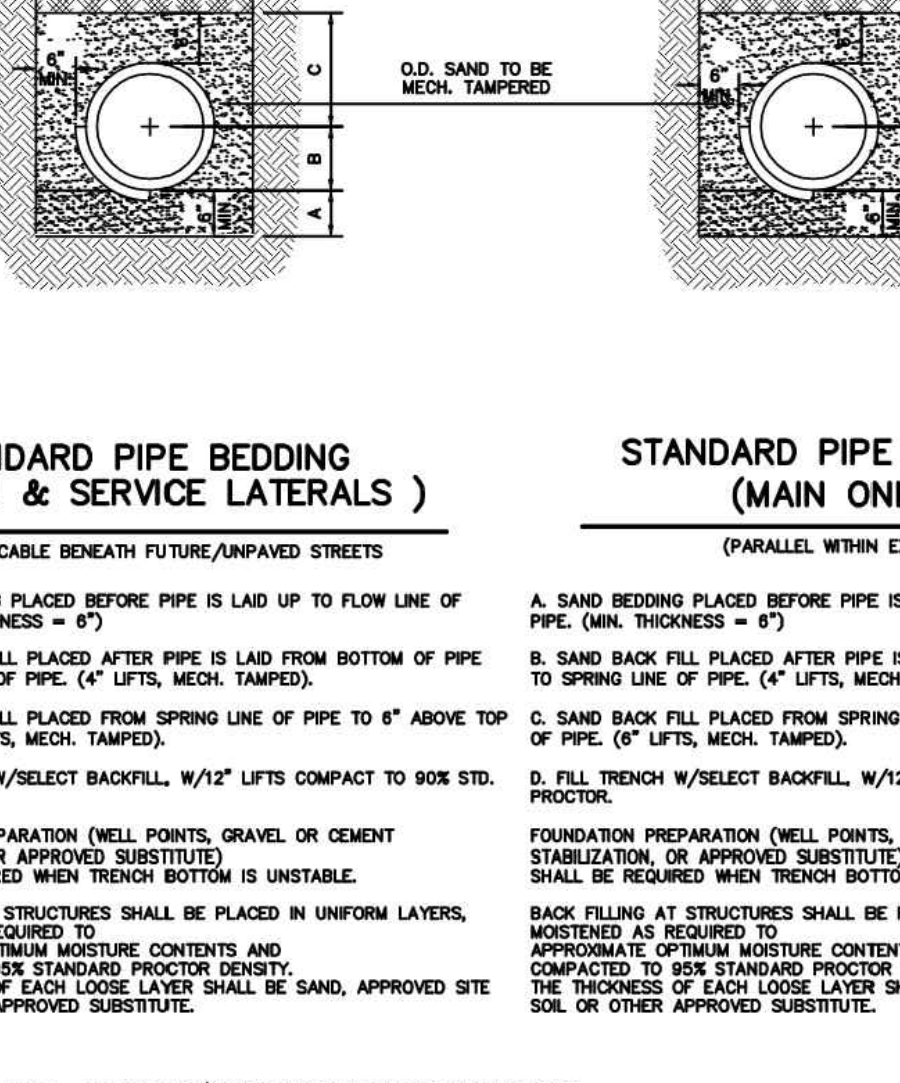
MANUFACTURER	MODEL NAME
JEFFCOAT	JEFFCOAT 309
RAVEN LINING SYSTEM	RAVEN 405
SHERWIN WILLIAMS	DURAPLATE 5800
CHROMALINE	PHENOLINE 309

**NOTE:** COAT ALL CONCRETE SURFACES INCLUDING BUT NOT LIMITED TO BENCH WALLS AND CONCRETE COLLARS AROUND PIPE CONNECTIONS.



**FOUNDATION PREPARATION (WELL POINTS):** GRAVEL OR CEMENT STABILIZATION, OR APPROVED SUBSTITUTE, SHALL BE REQUIRED WHEN TRENCH BOTTOM IS UNSTABLE.

**BACK FILLING AT STRUCTURES:** SHALL BE PLACED IN UNIFORM LAYERS, MOISTENED AS REQUIRED TO APPROXIMATE OPTIMUM MOISTURE CONTENTS AND COMPACTED TO 90% STANDARD PROCTOR DENSITY. THE THICKNESS OF EACH LOOSE LAYER SHALL BE SAND, APPROVED SITE SOIL, OR OTHER APPROVED SUBSTITUTE.



**MANHOLE REQUIREMENTS**

PIPE DIAMETER	MANHOLE DIAMETER
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**APPROVED COATINGS TABLE**

MANUFACTURER	MODEL NAME
JEFFCOAT	JEFFCOAT 309
RAVEN LINING SYSTEM	RAVEN 405
SHERWIN WILLIAMS	DURAPLATE 5800
CHROMALINE	PHENOLINE 309

**NOTE:** COAT ALL CONCRETE SURFACES INCLUDING BUT NOT LIMITED TO BENCH WALLS AND CONCRETE COLLARS AROUND PIPE CONNECTIONS.



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY GERARDO BENAVIDES, P.E. 140950, 08/07/2023

**FOR REVIEW**

NOT FOR CONSTRUCTION

ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE LAW.

**BENAVIDES ENGINEERING**

TEXAS REGISTRATION #22885  
P.O. Box 832 Alamo, TX 78516  
jerry@benavideseng.com  
956.310.5373

**CLIENT:** RAINE DESIGN LABS  
EDGAR@RAINEDESIGNSLABS.COM

**PROJECT ADDRESS:** EAST RIGHT-OF-WAY OF HWY 281 APPROX. 1,200 FEET NORTH OF FM 2812, EDINBURG TEXAS

**PREPARED DATE:** 07/23/2023

**DRAWN BY:** G.BENAVIDES, P.E.

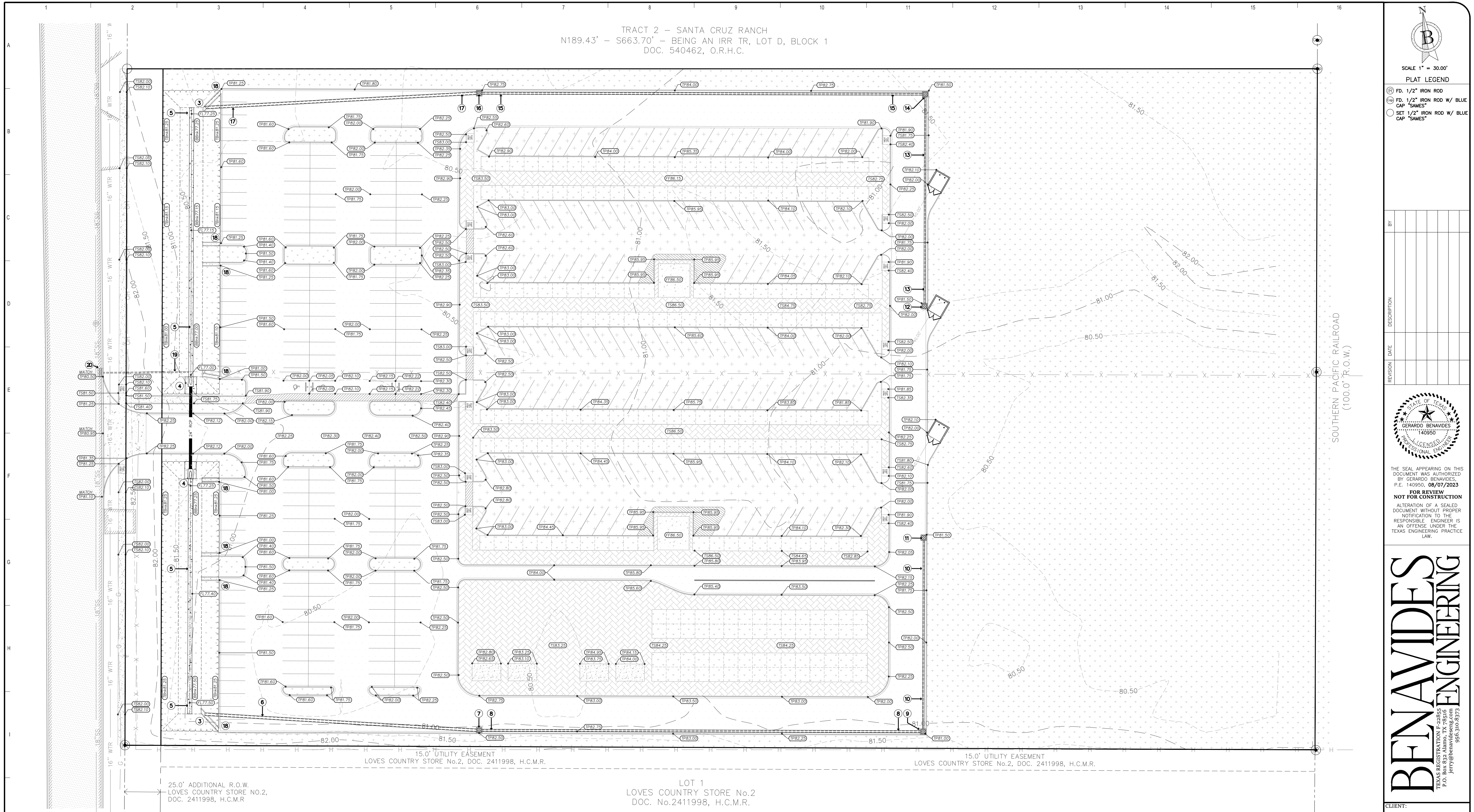
**CHECKED BY:** G.BENAVIDES, P.E.

**PROJECT NO.:** 2022.002

**PAGE TITLE:** UTILITY DETAILS

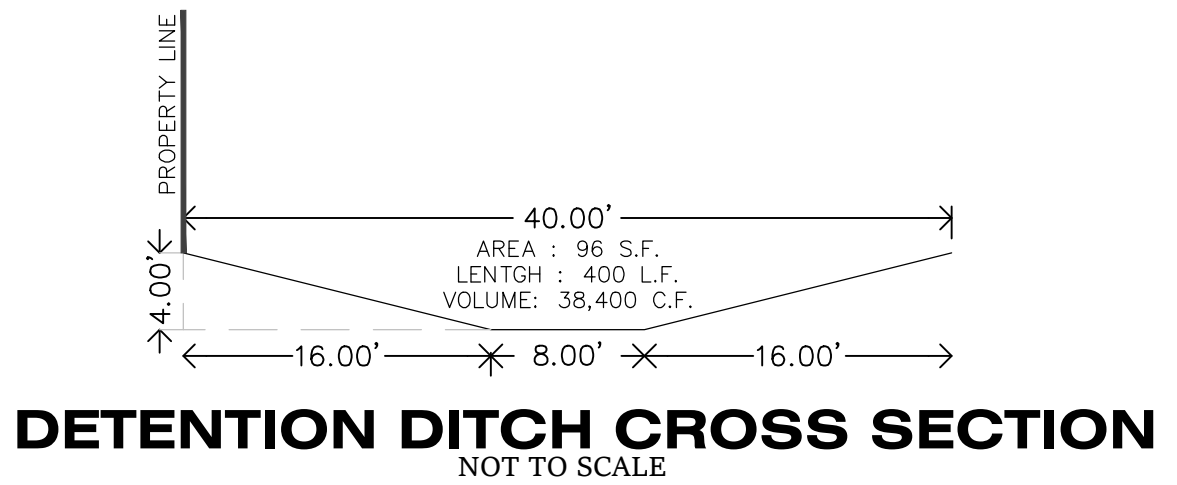
**SHEET NUMBER:** C-10





PAVING, GRADING and DRAINAGE LAYOUT CONSTRUCTION KEYNOTES

- 1 INDICATES 18" WIDE CONCRETE CURB (6" WIDE) AND GUTTER (12" WIDE). CONCRETE CURBING SHALL BE 6" HIGH.
- 2 PROP. ONSITE DETENTION POND  
VOLUME REQUIRED TO DETAIN IS APPROXIMATELY 38,300 C.F.  
VOLUME PROVIDED WITHIN ONSITE POND IS APPROXIMATELY 43,456 C.F.  
TOP WIDTH = 40.00  
BOTTOM WIDTH = 16.00  
DEPTH = 4.00  
TOTAL LENGTH = 388.00  
BANK SLOPES NOT TO EXCEED 3 FEET HORIZONTAL : 1 FOOT VERTICAL
- 3 PROP. CONCRETE SAFETY END TREATMENT FOR 24" HPP DETENTION OUTFALL  
FL 24" HPP - 77.50
- 4 PROP. CONCRETE SAFETY END TREATMENT FOR 18" RCP DETENTION POND CONNECTION  
FL 18" (SOUTH) RCP - 77.25  
FL 18" (NORTH) RCP - 77.00
- 5 PROP. 3 FOOT WIDE CONCRETE PILOT CHANNEL @ 0.10% SLOPE
- 6 PROP. 192.0 L.F. ~ 24" HPP STORM LINE @ 0.18%
- 7 PROP. 4.0' x 4.0' GRATED STORM BOX INLET  
TOP 82.50  
FL 77.85
- 8 PROP. 310.0 L.F. ~ 18" HPP STORM LINE @ 0.26%
- 9 PROP. 4.0' x 4.0' GRATED STORM BOX INLET  
TOP 81.50  
FL 76.65
- 10 PROP. 130.0 L.F. ~ 12" HPP STORM LINE @ 0.44%
- 11 PROP. 4.0' x 4.0' GRATED STORM BOX INLET  
TOP 81.50  
FL 79.22
- 12 PROP. 4.0' x 4.0' GRATED STORM BOX INLET  
TOP 81.50  
FL 79.30
- 13 PROP. 143.0 L.F. ~ 12" HPP STORM LINE @ 0.44%
- 14 PROP. 4.0' x 4.0' GRATED STORM BOX INLET  
TOP 81.50  
FL 78.65
- 15 PROP. 310.0 L.F. ~ 18" HPP STORM LINE @ 0.26%
- 16 PROP. 4.0' x 4.0' GRATED STORM BOX INLET  
TOP 82.75  
FL 77.85
- 17 PROP. 190.0 L.F. ~ 24" HPP STORM LINE @ 0.18%
- 18 PROP. 2.0' CLEAR CURB CUT FOR STORMWATER SHEETFLOW PATH
- 19 PROP. 8" PVC DETENTION POND DISCHARGE LINE TO BACK OF EXISTING TADOT STORMWATER INLET. TADOT PERMIT IS REQUIRED FOR CONNECTION TO EXISTING STORMWATER INFRASTRUCTURE ALONG HWY 281 RIGHT-OF-WAY. PROPOSED CONNECTION SHALL BE PERPENDICULAR TO TADOT STRUCTURE.  
APPROXIMATELY 60 L.F. OF 8" PVC LINE @ 0.33% SLOPE  
FL IN (EAST) = 77.00  
FL OUT (WEST) = 76.85
- 20 EXISTING STORMWATER CURB INLET TO REMAIN IN PLACE  
TOP (W) = 76.85  
FL (N.S) = 76.75
- INDICATES GENERAL RUNOFF DIRECTION ALONG PROPOSED ROADWAYS. \*\*TYP WHERE SHOWN, NOT ALL LABELED\*\*
- INDICATES TOP OF CURBING ELEVATION (FINISHED GRADE). TOP OF CURB SHALL BE 6" HIGHER THAN PROPOSED TOP OF PAVEMENT  
\*\*TYP WHERE SHOWN, NOT LABELED WITH KEYNOTE\*\*
- INDICATES TOP OF PAVEMENT ELEVATION (FINISHED GRADE). \*\*TYP WHERE SHOWN, NOT LABELED WITH KEYNOTE\*\*
- INDICATES TOP OF SIDEWALK ELEVATION (FINISHED GRADE). \*\*TYP WHERE SHOWN, NOT LABELED WITH KEYNOTE\*\*



1" = 30.00'

PLAT LEGEND

- FD. 1/2" IRON ROD
- FD. 1/2" IRON ROD W/ BLUE CAP "SAMES"
- SET 1/2" IRON ROD W/ BLUE CAP "SAMES"

REVISION	DATE	DESCRIPTION
01		

STATE OF TEXAS  
GERARDO BENAVIDES  
140950  
REGISTERED PROFESSIONAL ENGINEER

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY GERARDO BENAVIDES, P.E. 140950, 08/07/2023  
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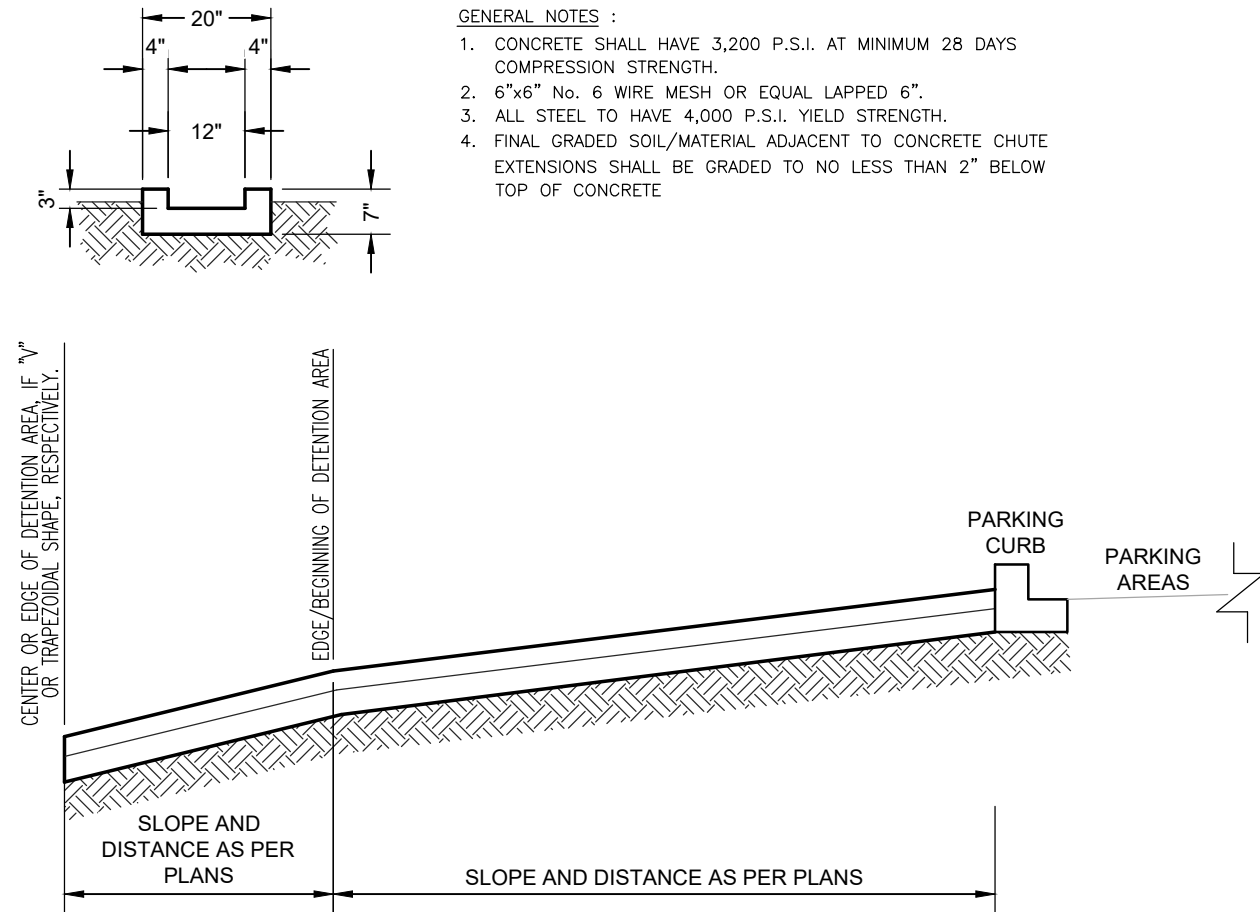
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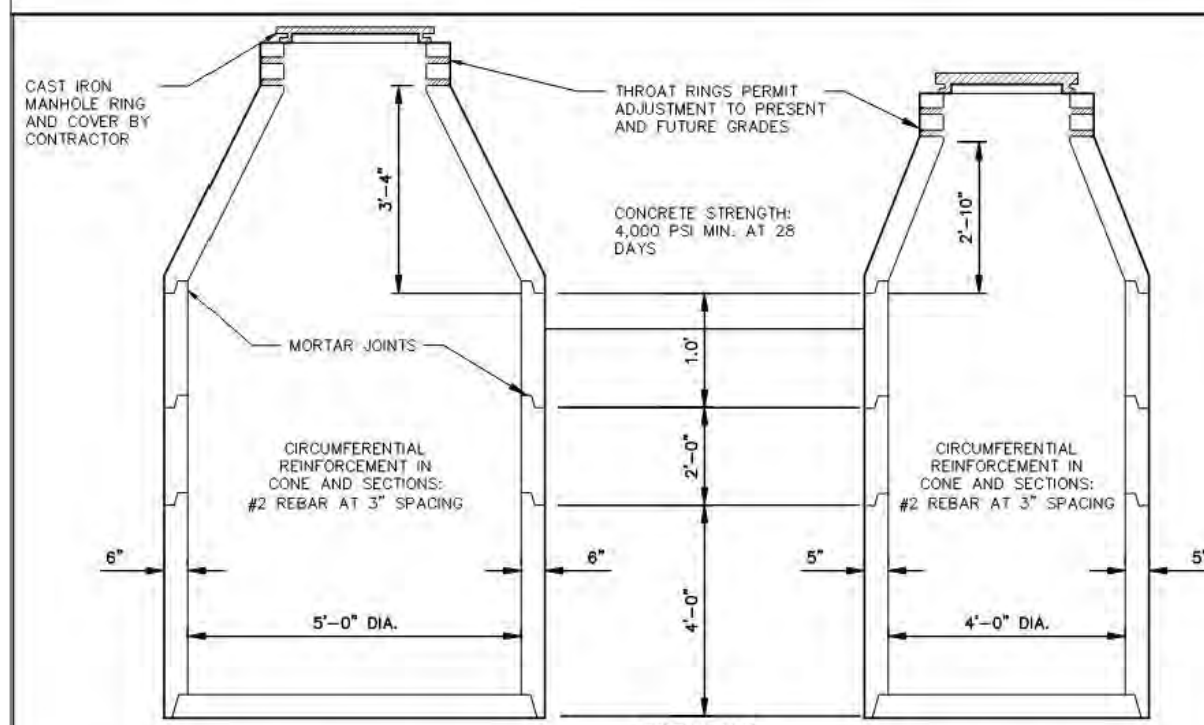
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PAVING, GRADING and  
DRAINAGE LAYOUT  
SHEET NUMBER  
**C-11**



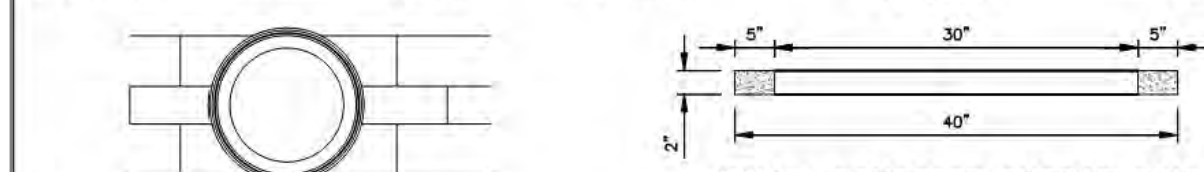
CONCRETE DOWNSPOUT EXTENSION DETAIL



- GENERAL NOTES:
1. CONCRETE SHALL HAVE 3,200 P.S.I. AT MINIMUM 28 DAYS COMPRESSION STRENGTH.
  2. 6"x6" NO. 6 WIRE MESH OR EQUAL LAPPED 6".
  3. ALL STEEL TO HAVE 4,000 P.S.I. YIELD STRENGTH.
  4. FINAL GRADED SOIL/MATERIAL ADJACENT TO CONCRETE CHUTE EXTENSIONS SHALL BE GRADED TO NO LESS THAN 2" BELOW TOP OF CONCRETE.



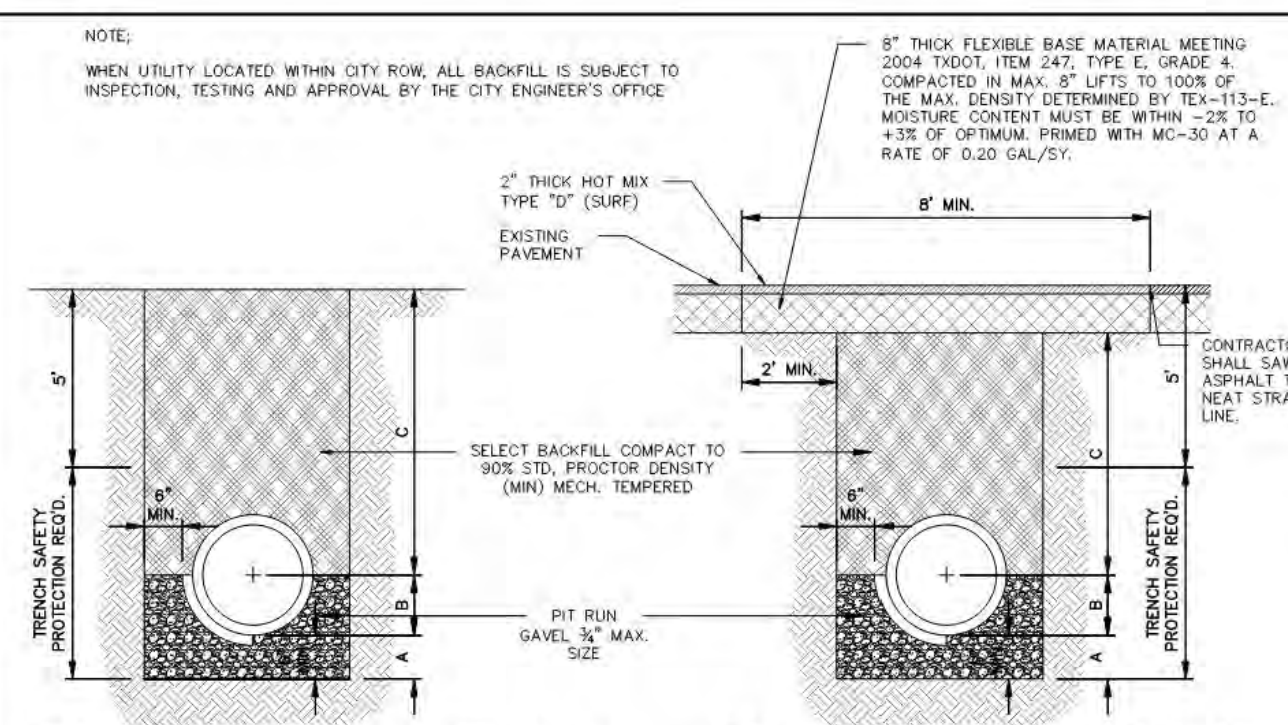
WEIGHTS OF 5'-0" DIA. MANHOLE ARE CAST IN	WEIGHTS OF 4'-0" DIA. MANHOLE ARE CAST IN
THROAT RING	THROAT RING
1'-0" SECTION	1'-0" SECTION
2'-0" SECTION	2'-0" SECTION
3'-0" SECTION	3'-0" SECTION
4'-0" SECTION	4'-0" SECTION



PRECAST CONCRETE SEGMENTS MAY BE USED ON LARGER DIAMETER PIPELINES IN LIEU OF BREAKING OUT LARGE HOLES IN PRECAST SECTIONS.



D-4 PRECAST CONCRETE MANHOLES - DETAILS



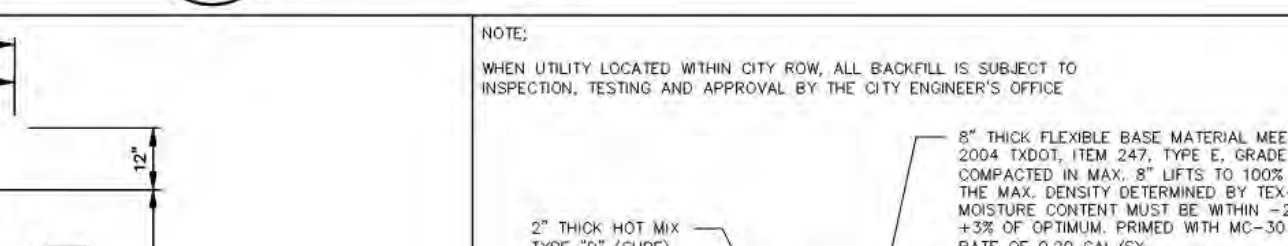
STANDARD PIPE BEDDING

- NOTE: WHEN UTILITY LOCATED WITHIN CITY ROW, ALL BACKFILL IS SUBJECT TO INSPECTION, TESTING AND APPROVAL BY THE CITY ENGINEER'S OFFICE.
- A. GRAVEL (3/4" MAX. SIZE) BEDDING PLACED BEFORE PIPE IS LAID UP TO FLOW LINE OF PIPE. (MIN. THICKNESS = 6").
  - B. GRAVEL BACK FILL PLACED AFTER PIPE IS LAID FROM BOTTOM OF PIPE TO SPRING LINE OF PIPE. (4" LIFTS, MECH. TAMPED).
  - C. FILL TRENCH WITH SELECT BACKFILL (P-20), W/12" LIFTS COMPACT TO 90% STD. PROCTOR.
- FOUNDATION PREPARATION (WELLPONTS, GRAVEL AND/OR CEMENT STABILIZATION, OR APPROVED SUBSTITUTE) SHALL BE REQUIRED WHEN TRENCH BOTTOM IS UNSTABLE.
- BACK FILLING AT STRUCTURES SHALL BE PLACED IN UNIFORM LAYERS, MOISTENED AS REQUIRED TO APPROXIMATE OPTIMUM MOISTURE CONTENTS AND COMPACTED TO 90% STANDARD PROCTOR DENSITY. THE THICKNESS OF EACH LOOSE LAYER SHALL BE SAND, APPROVED SITE SOIL OR OTHER APPROVED SUBSTITUTE.



D-8 STANDARD PIPE BEDDING - DETAILS

NOTE: WHEN UTILITY LOCATED WITHIN CITY ROW, ALL BACKFILL IS SUBJECT TO INSPECTION, TESTING AND APPROVAL BY THE CITY ENGINEER'S OFFICE.



STANDARD PIPE BEDDING (MAIN ONLY)

- A. GRAVEL (3/4" MAX. SIZE) BEDDING PLACED BEFORE PIPE IS LAID UP TO FLOW LINE OF PIPE. (MIN. THICKNESS = 6").
  - B. GRAVEL BACK FILL PLACED AFTER PIPE IS LAID FROM BOTTOM OF PIPE TO SPRING LINE OF PIPE. (4" LIFTS, MECH. TAMPED).
  - C. FILL TRENCH WITH SAND (12" LIFTS, MECH. TAMPED).
- FOUNDATION PREPARATION (WELLPONTS, GRAVEL AND/OR CEMENT STABILIZATION, OR APPROVED SUBSTITUTE) SHALL BE REQUIRED WHEN TRENCH BOTTOM IS UNSTABLE.
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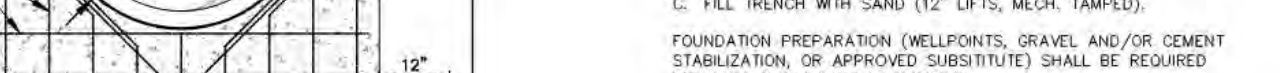


UTILITY CROSSING AT EXIST./ ACTIVE STREET DETAIL

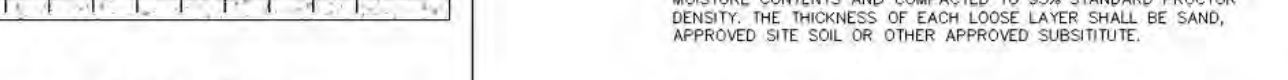
( STORM SEWER )



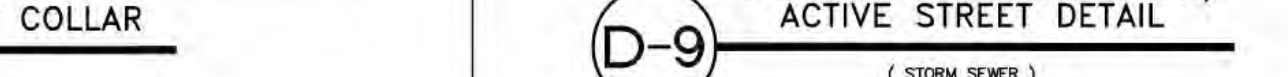
CONCRETE PIPE SUPPORT COLLAR



CITY STANDARD ROADWAY MANHOLE RING AND COVER CASTING DETAIL



COVER SECTION



FRAME SECTION



COVER SECTION



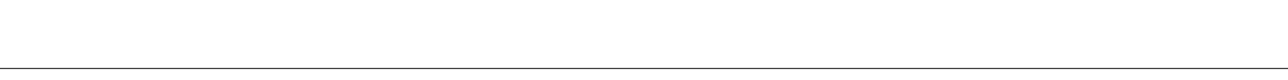
FRAME SECTION



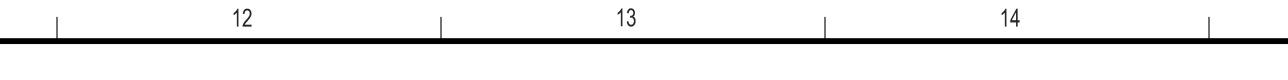
COVER SECTION



FRAME SECTION



COVER SECTION



FRAME SECTION



FILE NAME: A\_drainage\_dtl\_2.dwg

DATE: MAY 2014

SURVEYED BY:

DESIGNED BY: I.P.

DRAWN BY: R.M.M.

REVISED BY: I.P.

CHECKED BY: I.P.

TITLE:

DRAINAGE SYSTEM

STANDARD DETAILS

SCALE: 1" = N.T.S.

VER: 1" = N.T.S.

SHEET NO. 1 OF 1

DATE:

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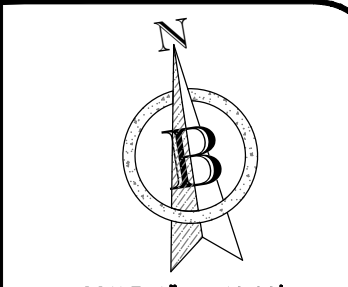
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PLAT LEGEND

FD. 1/2" IRON ROD

SET 1/2" IRON ROD W/ BLUE CAP "SAMES"

SET 1/2" IRON ROD W/ BLUE CAP "SAMES"

SET 1/2" IRON ROD W/ BLUE CAP "SAMES"

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SET 1/2" IRON ROD W/ BLUE CAP "SAMES"

SET 1/2" IRON ROD W/ BLUE CAP "SAMES"

SET 1/2" IRON ROD W/ BLUE CAP "SAMES"



## Planning & Zoning

415 West University Drive Edinburg,  
Texas 78539  
(956) 388-8202



THE CITY OF  
**Edinburg**

## Zoning Variance Application

ENERGOV CASE # **VAR-2023-0195**

**Property Owner Name:** Armando Contreras  
**Owner Contact Information**  
**Mailing Address:** 1201 Fincher Mission TX 78572  
Street Address City/State Zip Code  
**Phone (Home):** 956-683-5115 **(Work):**  **(Cell):** 956-683-5115  
**Email:** lou@rgv.rv.com

**Agent/Applicant Name (if different than Owner):** Same As Above  
**Applicant Contact Information**  
**Mailing Address:**   
Street Address City/State Zip Code  
**Phone (Home):**  **(Work):**  **(Cell):**   
**Email:**

**Property Address for Variance:** East R.O.W. of HWY 281  
Street Address City/State Zip Code  
**Property Legal Description:** Approx 1,200 ft North of FM 2812 Edinburg TX  
Lot Block Subdivision  
8.99 acre tract of land out of Lot D, Santa Cruz Ranch Subdivision  
Volume "2" Page 161 D.R.H.C.

**Present Property Zoning:** Commercial General **Property ID#:** 525514

**Nature of Request (cite all applicable issues needing variance):**

Existing tract of land is within Floodzone with a Base Flood Elevation Established  
at 86.00 Feet. Existing elevations are @ ±81.50 Feet. Requesting variance  
to allow parking to be more than 6" below BFE.

### Reason for Appeal

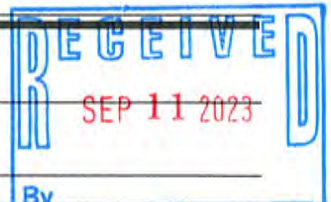
Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.

### OFFICE USE ONLY:

UDC Section(s) Requiring Variance:

Reviewed by:

Date:





**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 277844**

**SANTA CRUZ IRRIGATION DIST #15**  
PO BOX 599  
EDINBURG, TX 78540-0599

**PID: 277561**

**KENDRICK MICHAEL A & CYNTHIA M**  
502 CABALLO LN  
EDINBURG, TX 78542-1172

**PID: 277559**

**SOUTHERN PACIFIC TRANSPORT**  
1400 DOUGLAS ST  
STOP 1640  
OMAHA, NE 68179-1001

**PID: 895464**

**LOVES TRAVEL STOP &  
COUNTRY STORES INC**  
10601 N PENNSYLVANIA AVE  
OKLAHOMA CITY, OK 73120-4198

**PID: 895463**

**LOVES TRAVEL STOP &  
COUNTRY STORES INC**  
10601 N PENNSYLVANIA AVE  
OKLAHOMA CITY, OK 73120-4198

**PID: 525514**

**CONTRERAS ARMANDO & LOURDES**  
1201 FINCHER  
NULL  
MISSION, TX 78572-3518

**PID: 544169**

**CONTRERAS ARMANDO & LOURDES**  
1201 FINCHER  
MISSION, TX 78572-35

**PID: 533500**

**DE LA GARZA ALBERTO & JULIA**  
PO BOX 1278  
MERCEDES, TX 78570-1278

**PID: 522536**

**DE LA GARZA ALBERTO & JULIA**  
PO BOX 1278  
MERCEDES, TX 78570-1278

**PID: 701349**

**JE A TIRES INC**  
4101 N CAGE BLVD  
PHARR, TX 78577-7520

**PID: 278624**

**ENMAC PROPERTIES LLC**  
704 CARDINAL AVE  
MCALLEN, TX 78504-2776

**PID: 544169**

**CONTRERAS ARMANDO & LOURDES**  
1201 FINCHER



## Planning & Zoning Staff Report

Prepared on: September 20, 2023

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: September 27, 2023

#### Agenda Item

Consider Variance to the City's Unified Development Code Article 3, Section 3.302, Special Allowances, Being Lot 24, Post Oaks Subdivision, Located at 2408 River Oaks Lane, As Requested By Kenneth Bowman

---

#### Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.302, Special Allowances, as it applies to carports and encroachments into the front setback. In the Agriculture Open space, Residential Suburban, and Residential Primary districts, a carport for a single-family detached dwelling may encroach into a front setback by a maximum of 10 feet, including overhangs. The applicant has constructed a carport approximately 21 feet and 3 inches into the front setback of 25 feet.

#### Property Location and Vicinity

The property is located on the south side of River Oaks Lane approximately 270 feet west of South Jackson Road. The property is zoned Residential, Primary (RP) District. Adjacent zoning is Residential, Primary (RP) District to the north, south, east, and west. Surrounding land uses are single family residential uses.

#### Background and History

The property is part of the Post Oaks Subdivision that was recorded on January 21, 1985. The lot has 6,490 square feet in total. The applicant constructed a carport without a building permit and received a notice of violation from the Code Enforcement department. Staff received a variance request application on September 5, 2023. The applicant is asking for the allowance to encroach approximately 21 feet and 3 inches into the front setback of 25 feet. The applicant indicated the reason for appeal is 10 feet allowance past dwelling is not enough to cover typical vehicles, 20 feet is required.

Staff mailed notice of this variance request to 52 neighboring property owners and received no comments in favor or against this request at the time this report was prepared.

#### Analysis

The front setback for this subdivision is 25 feet and the Unified Development Code allows carports for single-family detached dwellings in the Residential, Primary (RP) District to encroach 10 feet into the front setback. The carport is encroaching approximately 21 feet and 3 inches into the front setback of 25 feet, therefore making it non-compliant. The carport was built without a building permit, however the applicant is wanting to come to compliance.



**Recommendation**

Staff recommends denial of the variance request. If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

**Alejandra Gonzalez**  
Planner II

Approved by:

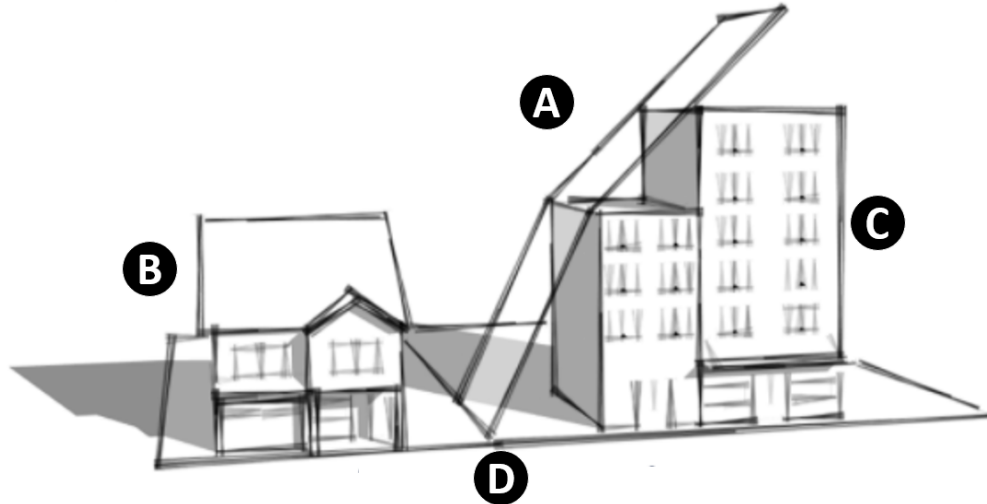
**Jaime Acevedo**  
Director of Planning & Zoning



building, and fire or parapet walls, skylights, towers attached to a building, steeples, flagpoles attached to a building, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures.

2. **Setback Plane.** As depicted in Figure 3.302-2, *Setback Plane*, where a building adjoins a property with a single-family dwelling, the building may be increased beyond the maximum permitted if the setback nearest the adjoining single-family dwelling is increased one foot for each one foot of height above the maximum permitted height.

**Figure 3.302-2  
Setback Plane**



**FIGURE NOTES:**

A = 1 additional foot of setback required for each foot over maximum building height | B = Single-family dwelling |  
C = Building on adjacent property that exceeds permitted maximum building height | D = Property Line

- D. **Height Standards.** The following structures and parts of structures are exempt from the height limitations set forth in the zoning districts, except as limited by any height restriction imposed by the Federal Aviation Administration or in Division 2.200, *Use Standards*. Where lower heights are required, they shall be met.

1. **Steeple and bell towers.** Steeples and bell towers provided they are not more than 80 percent higher than the maximum height and where no part of the tower or steeple exceeds five percent of the roof area, or 900 square feet of horizontal area whichever is less.
2. **Water facilities.** Municipal water tanks and sandpipes.
3. **Antennae.** Radio and television antennae and other reception facilities.
4. **Utilities.** Public utility poles, towers, and wires.

**E. Projections into Required Yards.**

1. **General.** The following structures may project into a required yard, beyond the building setback line:
  - a. **Awnings/Canopies.** Awnings and canopies may project no more than three feet from the building wall into a required yard.
  - b. **Bay windows.** Bay windows may project no more than two feet from the building wall into:
    - i. Front and rear yards of any lot; and
    - ii. Side yards only on the lots are greater than 10,000 square feet.
  - c. **Chimneys.** Chimneys may project no more than two feet from the building wall into a required yard.
  - d. **Eaves.** Overhanging roof, eave, gutter, cornice, or other architectural features may project no more than three feet into a required yard. Where greater overhangs are desired architecturally, the building shall be moved back so as to intrude no further than three feet into the yard.
  - e. **Marquees.** Marquees, where permitted by Division 4.300, *Signs*, may project to the property line or 15 feet, whichever is less, in front yards. Intrusion into side yards is permitted only where the fire department indicates



that it will not hinder fire access. No intrusion is permitted into rear yards. In the DT district, where buildings are built to the sidewalk line a marquee may extend over the sidewalk provided its lowest point is at least 15 feet above the sidewalk, and the City Engineer approves clearance from any overhead lines. The number of street trees required for the use shall not be reduced.

- f. *Steps*. Steps or stairs to a dwelling, non-enclosed, not to project more than four feet into a required yard from a building wall or the edge of a porch.
- g. *Planting boxes*. Planting boxes may project no more than 18 inches from the building wall into a required yard.
- h. *Porches (low)*. Non-enclosed porches, decks, or terraces that are no more than two feet above grade at their highest point may project:
  - i. Into front yards: four feet.
  - ii. Into rear yards of lots that are greater than 15,000 square feet in area: one-half the depth of the rear yard or 50 feet from the building wall, whichever is less.
  - iii. Into rear yards of lots that are 15,000 square feet in area or less: 20 feet, or five feet to any property line, whichever is less.
- i. *Porches (elevated)*. Non-enclosed porches, decks, and terraces that are more than two feet in height may project into the rear yard, but not the front or side yards. The maximum projection into the rear yard is one-third the depth of the rear yard. For lots with an area that is less than 15,000 square feet, the deck shall be set back from property lines five feet, plus two feet for every foot the deck's maximum height exceeds two feet.
- j. *Carports*. In the AO, RS, and RP districts, a carport for a single-family detached dwelling, twin house, or duplex may encroach into a front setback by a maximum of 10 feet, including overhangs.
- k. *Swimming Pools*. A swimming pool may encroach into a required side yard or a street side yard provided it is screened by a completely opaque fence or wall. In no case may a pool encroach into an easement.

**2. Limitations.**

- a. On lots with an area of 15,000 square feet or less, none of the projections set out in this section are permitted to come closer than three feet to any property line (unless further restricted), nor shall any intrusion be such that it forces trespass onto the adjoining property, unless the encroachment is on the zero lot line side of an approved lot line building and access for maintenance is provided by restrictive covenant.
- b. Some intrusions need maintenance or are part of an access way. In no case should the result of a permitted intrusion be to require a person using the access way or maintaining the building or structure to encroach upon the adjoining property, unless the encroachment is on the zero lot line side of an approved lot line building and access for maintenance is provided by restrictive covenant.

**F. Structures Permitted within Required Yards.** The following structures are permitted within required yards:

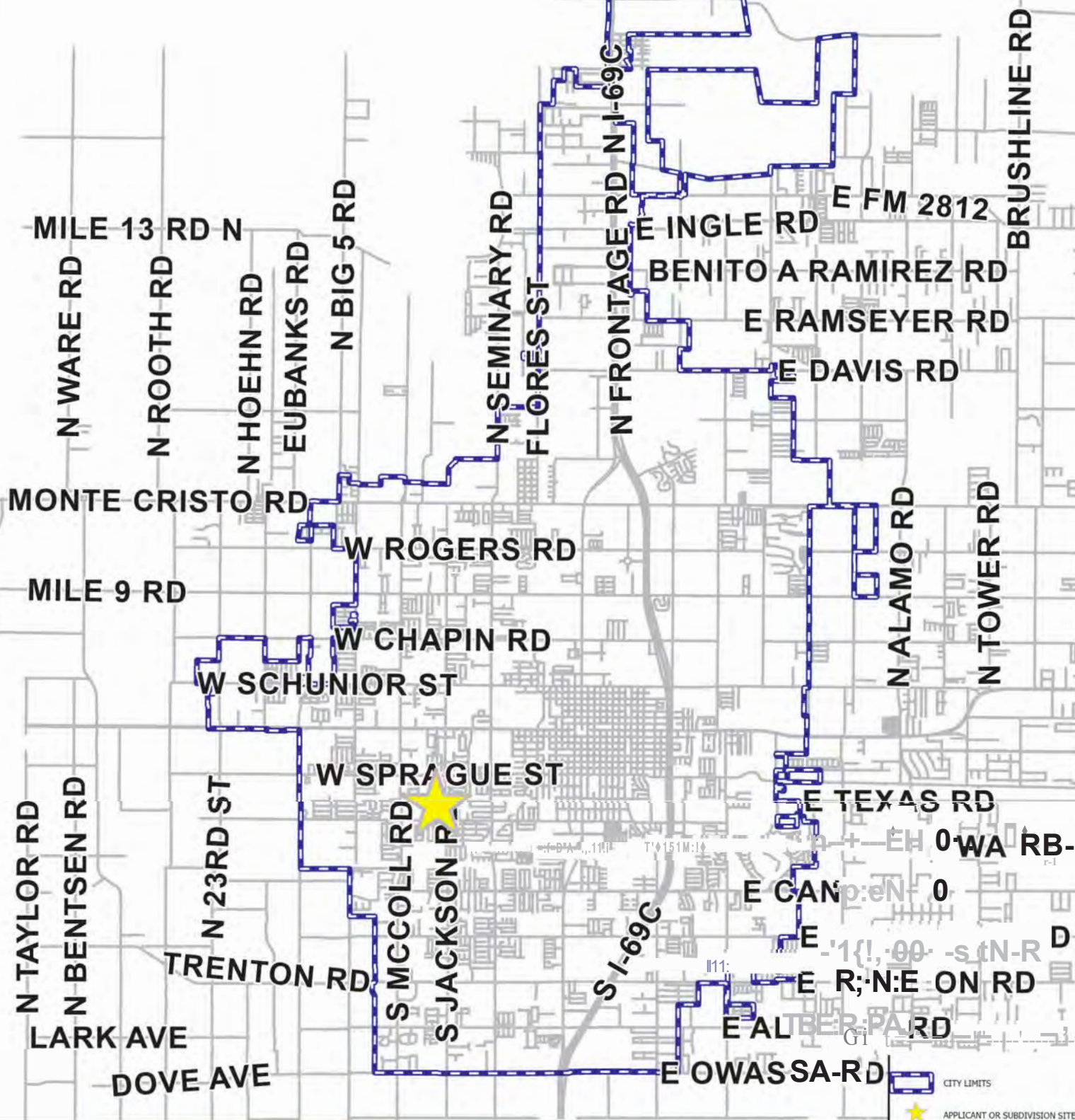
- 1. *Clotheslines*. Clotheslines posts.
- 2. *Driveways*.
  - a. Driveways shall be setback from side property lines a minimum of two feet.
  - b. Driveways for side load or rear garages may be located in side yards if they are set back from side property lines as follows:
    - i. Lots greater than one acre: 12 feet.
    - ii. Lots 15,000 square feet to one acre: Five feet.
    - iii. Lots with an area less than 15,000 square feet: Two feet.
  - c. Driveways in front or rear yards that are reasonably necessary or required to provide access.
- 3. *Fences*. Fences, walls, and hedges in accordance with Sec. 2.202, *Use Tables*.
- 4. *Garages*. On single-family residential lots:
  - a. Side load front garages located on lots with areas that are less than 15,000 square feet may project to within five feet of the property line or 67 percent of required street yard, whichever is more. Where side load front garages are used, the developer shall be required to install one large tree and one small tree to screen two-car garages or one large tree and two small trees for garages of three or more spaces, in addition to any other required landscaping.
  - b. Alley access garages may be within two feet of the alley for side load garages or 15 feet for garages where one backs out into the alley.
- 5. *Garbage disposal*. Garbage disposal equipment. However, such equipment is not permitted within required bufferyards.
- 6. *Mailboxes*. Freestanding mailboxes, installed no closer than one foot from the sidewalk or as approved by the City in the right-of-way or required by the Post Office. In no case shall a mailbox encroach upon a sidewalk.



FM 490 W FM 490

E-FM-4-901--

1 in = 7,917 ft

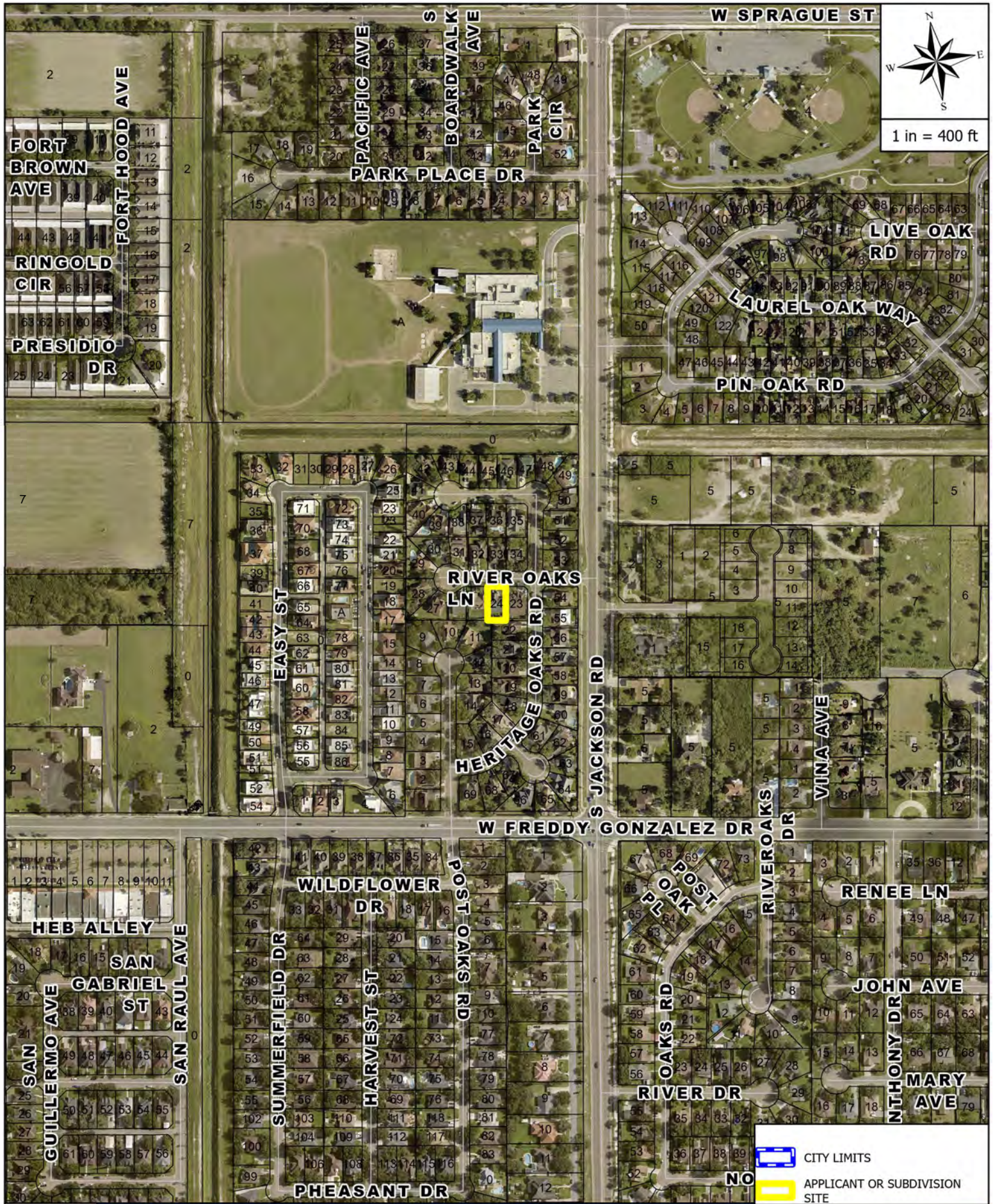


EDINBURG NEW DEVELOPMENT MAP



@t---AP\_PL\_1f\_AN\_T\_AN\_o\_OR\_s\_ue\_o\_v1s\_o\_N:

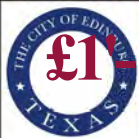
KENNETH BOWMAN - 2408 RIVER OAKS LN





1 in = 400 ft

-  CITY LIMITS
-  APPLICANT OR SUBDIVISION SITE



**AERIAL MAP**  
**APPLICANT AND/OR SUBDIVISION:**  
KENNETH BOWMAN - 2408 RIVER OAKS LN













## Site Photo

**Kenneth Bowman**

2408 River Oaks Lane

8/31/23, 2:32 PM

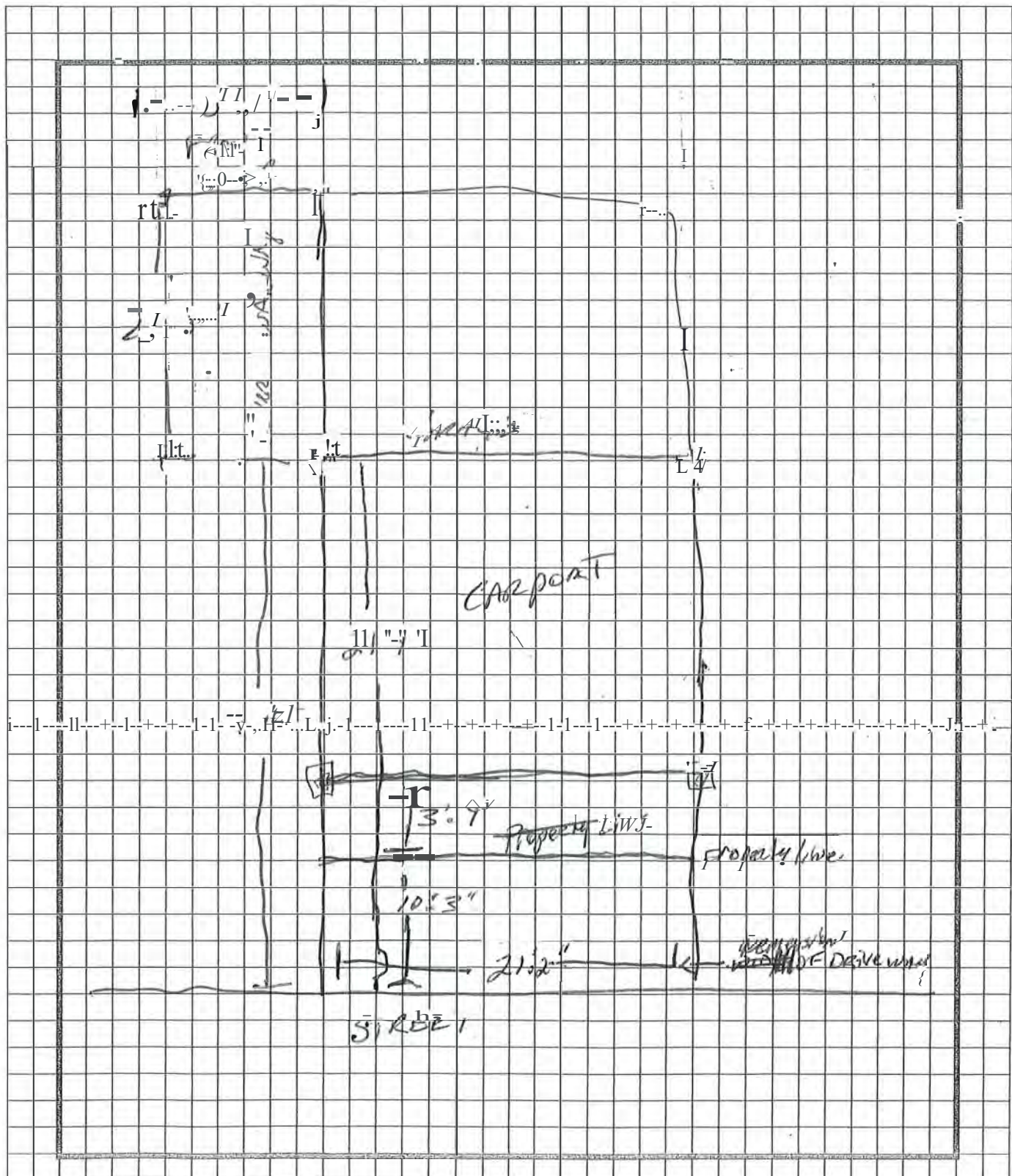




84081



REAR



**\*\*\*IRREGULAR LOTS WILL BE REQUIRED TO SUBMIT A SURVEY\*\*\***

FRONT





**The City of Edinburg**

415 W. University Drive  
Edinburg, TX 78539

Case Number: **NO-PRMT-2023-6363**

Violation  
Notice

Case Type: Building without Permit

Date Case Established: **09/01/2023**

Compliance Deadline: **09/11/2023**

**Owner:** Kenneth Bowman

Kenneth Bowman  
2408 River Oaks LN  
Edinburg, TX 78539-7319

Certified Mailing: 7022 2410 0002 9970 1570

**Notice of Violation for the following location:**

**Address**

**Legal Description**

2408 RIVER OAKS  
EDINBURG, TX 78539

POST OAKS LOT 24

This office is in receipt of a complaint regarding the below stated violation (s) . This is a notice requiring that the issue (s) be corrected by the date stated above.

**Violation:** SEC. 151.016 - CONSTRUCTION CONTRARY TO CODE; STOP WORK ORDER

**Corrective Action:** Please apply for permit for car port.

**Compliance Date:** 09/11/2023

Your immediate attention correcting the violation (s) is requested. Failure to reply to this notice within **10 days of receipt of this letter** will result in a formal complaint being filed against you in Municipal Court for the apparent violation.

Thank you for your cooperation. If you need additional information or have any questions, please call this office at 956-388-1838.

**M**

Jesus Gonzalez  
Code Enforcement Officer



415 West University Drive Edinburg,  
Texas 78539  
(956) 388-8202



ENERGOV CASE # VAR-2023-0198

### Owner Contact Information

Phone (Home): .cJS'Z t-?oS'-boZ,1 (Work): \_\_\_\_\_ (Cell): .,.,.,./ 4 -----

### Applicant Contact Information

Phone (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): \_\_\_\_\_

Email: \_\_\_\_\_

Property Legal Description: -----"-----Y-----ff c)-----E15'-----a-----/-----  
 Lot Block tt Subdivision

**Nature of Request** (cite all applicable issues needing variance):

## Acceptance of CARPORT Addition

## Reason for Appeal

Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.

Typical vehicles, 20 ft h's required.

**OFFICE USE ONLY:**

UDC Section(s) Requiring Variance: 77.1.2) ... [1 n ct...Jic...co'f:fi. t' - 4 /1J v r ur r, p'U 4 ...c./- 1/dl 77...S'</J-f kt d ...

Reviewed by: TILFRED FARLEY Date: Sept 5, 2023



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 262341**  
**OLIVAREZ SAMANTHA MARIE**  
1416 POST OAKS RD  
EDINBURG, TX 78539-7309

**PID: 262339**  
**ZEPEDA RICARDO & EVANGELINA QUIROZ**  
1410 POST OAKS RD  
EDINBURG, TX 78539-7308

**PID: 262386**  
**RAPPAZZO ORALIA M & OSCAR MORENO**  
**ETAL**  
1414 HERILAGE OAK RD  
EDINBURG, TX 78539

**PID: 262349**  
**ARREDONDO ENRIQUE M**  
1419 HERITAGE OAKS RD  
EDINBURG, TX 78539-7316

**PID: 262357**  
**GARCIA OFELIA**  
2424 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262359**  
**RODRIGUEZ OMAR I**  
2421 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 587619**  
**TREJO MARIA ROSA**  
2636 EASY ST  
EDINBURG, TX 78539-7384

**PID: 587620**  
**TREJO VERONICA & RAJ KIRTIKUMAR**  
**DESAI**  
2815 JOAN DR  
EDINBURG, TX 78541

**PID: 262385**  
**MARTINEZ MARIA RODRIGUEZ**  
1410 HERITAGE OAKS RD  
EDINBURG, TX 78539-7315

**PID: 587621**  
**GUERRA ALEJANDRO**  
2640 EASY ST  
MCALLEN, TX 78501

**PID: 587622**  
**HERNANDEZ CLARISSA DIANIRA**  
10601 N 10TH ST LOT 5  
MCALLEN, TX 78504-9533

**PID: 262346**  
**DIMAS EDWARD & DAHLIA C**  
1501 HERITAGE OAKS RD  
EDINBURG, TX 78539-7318

**PID: 262347**  
**SCHAEFER MARIA C**  
1423 HERITAGE OAKS RD  
EDINBURG, TX 78539-7316

**PID: 262340**  
**RODRIGUEZ RENE J**  
1412 POST OAKS RD  
EDINBURG, TX 78539-7308

**PID: 262351**  
**BRIONES ARMANDO JR & LORA D**  
3306 CRYSTAL FALLS AVE  
EDINBURG, TX 78539-1828

**PID: 262384**  
**COLE FRANK B JR & MARGARET J**  
1406 HERITAGE OAKS RD  
EDINBURG, TX 78539-7315

**PID: 262361**  
**JANUARY ERNEST M & JUANITA**  
2411 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262360**  
**GARZA HUGO JR & LINDA L**  
2417 RIVER OAKS LN  
EDINBURG, TX 78539-7319



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 262362**  
**GUZMAN APRIL J**  
2407 RIVER OAKS LN  
EDINBURG, TX 78539

**PID: 262364**  
**CHAPA VIOLA G**  
1124 HERITAGE OAKS RD  
EDINBURG, TX 78539-7321

**PID: 262368**  
**MANZANO YVONNE & MARIANO JR**  
1108 HERITAGE OAKS RD  
EDINBURG, TX 78539-7321

**PID: 262380**  
**TERAN MARIA CAROLINA**  
1224 HERITAGE OAKS RD  
EDINBURG, TX 78539-7324

**PID: 587623**  
**MAGADIA MARIA NERI & DION CIRILO**  
2644 EASY ST  
EDINBURG, TX 78539-7384

**PID: 262343**  
**GARZA BEATRICE M**  
1424 POST OAKS RD  
EDINBURG, TX 78539-7309

**PID: 262350**  
**MONTALVO ROLAND & EMMA JO**  
1413 HERITAGE OAKS RD  
EDINBURG, TX 78539-7316

**PID: 262342**  
**LOPEZ ELOY**  
1420 POST OAKS RD  
EDINBURG, TX 78539-7309

**PID: 262335**  
**HERNANDEZ JUANITA & ALFREDO**  
1423 POST OAKS RD  
EDINBURG, TX 78539

**PID: 262366**  
**PEREZ JUAN MARTIN & FLORENCIA**  
4600 VICTORIA AVE  
MCALLEN, TX 78503-7328

**PID: 262382**  
**GONZALEZ ISRAEL E JR**  
1308 HERITAGE OAKS RD  
EDINBURG, TX 78539-7325

**PID: 587616**  
**GARZA IMELDA**  
2630 EASY ST  
EDINBURG, TX 78539-7384

**PID: 587618**  
**RIOS LUIS M MD & MARY ANN**  
2634 EASY ST  
EDINBURG, TX 78539-7384

**PID: 262338**  
**HUGHES MELBA JOYCE**  
1411 POST OAKS RD  
EDINBURG, TX 78539-7310

**PID: 262387**  
**CANO ROJELIO JR**  
1420 HERITAGE OAKS RD  
EDINBURG, TX 78539-7315

**PID: 262356**  
**MARTINEZ LETICIA S**  
2422 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262383**  
**CARDONA MYRTA**  
1402 HERITAGE OAKS RD  
EDINBURG, TX 78539-7315

**PID: 262354**  
**PALACIOS IVAN G & ZOILA**  
2412 RIVER OAKS LN  
EDINBURG, TX 78539-7319



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 262355**  
**VELA CESAR & YVETTE VELA**  
2813 VILLA ALEGRE  
EDINBURG, TX 78539

**PID: 587615**  
**DIAZ VALERIE NICOLE A/K/A VALERIE  
NICOLE GONZALEZ**  
2628 EASY ST  
EDINBURG, TX 78539-7384

**PID: 262367**  
**TORRES ROBERT CHRISTIAN**  
501 E JASMINE AVE APT NO 120  
MCALLEN, TX 78501

**PID: 262379**  
**TREVINO RICHARD**  
1220 HERITAGE OAKS RD  
EDINBURG, TX 78539-7323

**PID: 262388**  
**PENA JESUS A & IRMA E**  
2516 BILTMORE AVE  
EDINBURG, TX 78539-2711

**PID: 262358**  
**TORRES KAROLINA & IVAN**  
2423 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262363**  
**GARZA ANDRES JR & ESTHER**  
2401 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262337**  
**PRINKEY VERONICA**  
1415 POST OAKS RD  
EDINBURG, TX 78539-7311

**PID: 262353**  
**BOWMAN KENNETH R**  
2408 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262352**  
**BARRAGAN FELIX & MARGOT**  
2402 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262365**  
**CASTILLO ANTONIO JR & ALMA**  
1120 HERITAGE OAKS RD  
EDINBURG, TX 78539-7321

**PID: 262369**  
**CHAMPION CHARLES J & AURORA**  
1104 HERITAGE OAKS RD  
EDINBURG, TX 78539-7321

**PID: 262381**  
**RODRIGUEZ MARCO A & CRYSTAL Y  
GARCIA**  
1304 HERITAGE OAKS RD  
EDINBURG, TX 78539-7325

**PID: 262348**  
**CERVANTES VELMA**  
1421 HERITAGE OAKS RD  
EDINBURG, TX 78539-7316

**PID: 262358**  
**TORRES KAROLINA & IVAN**  
2423 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262363**  
**GARZA ANDRES JR & ESTHER**  
2401 RIVER OAKS LN  
EDINBURG, TX 78539-7319

**PID: 262389**  
**LEWIS LORETTA L**  
1424 HERITAGE OAKS ROAD  
EDINBURG, TX 78539-7315



## Planning & Zoning Staff Report

Prepared on: September 18, 2023

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: September 27, 2023

#### Agenda Item

Consider Variance Requests to the City's Unified Development Code Article 2, Section 2.206, Accessory Use and Structure Standards, Being Lot 8, Camarada Del Sol Subdivision, Located at 406 North M Road, As Requested By Manuel Perales Jr.

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#### Request

The applicant is requesting a variance to the City's Unified Development Code (UDC), Section 2.206 (D)(2)(iv) as it applies to no single freestanding accessory structures shall exceed 30% of the floor area of the principal structure. The applicant is requesting to enclose a portion of an existing palapa to construct a game room.

#### Property Location and Vicinity

The property is located on the southeast corner of Agave Avenue and North M Road, approximately ¼ mile south of East Richardson Road. The property is zoned Residential, Suburban (RS) District. Adjacent zoning is Residential, Suburban (RS) District to the west, Agricultural and Open Space (AO) District to the south, Residential, Primary (RP) District to the east, and Residential, Manufactured Home (RMH) District to the north. Surrounding land uses are single-family residential and Christian Lee Church.

#### Background and History

The property is part of the Camarada Del Sol Subdivision, recorded April 7, 2005. On March 25, 2014 applicant received a permit to build a gazebo/palapa with a square footage of 1,598. A Zoning Variance Application was received from the applicant on September 5, 2023, requesting the existing structure be partially enclosed for a game room for a total square footage of an additional 614.6.

Staff mailed notice of this variance request to 34 neighboring property owners and received no comments in favor or against this request at the time this report was prepared.

#### Analysis

A site plan showing the partial enclosure was submitted for our review, however the current size already exceeds the allowed in Section 2.206 (D)(2)(iv) as it applies to no single freestanding accessory structures shall exceed 30% of the floor area of the principal structure. The current palapa exceeds the 30 % of the floor are of the principal structure so enclosing the additional 614.6 sq. ft. for a game room will exceed it more.



# Planning & Zoning Staff Report

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## **Recommendation**

Staff recommends denial of this variance request and that the applicant respect required not to exceed the 30 % of floor area of the principal structure. Approval of this variance would set a precedent for allowing accessory structures to have a bigger square footage than allowable.

If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

**Prepared by:**

**Anaisa Licerio**  
Planner II

**Approved by:**

**Jaime Acevedo**  
Director of Planning & Zoning



# UNIFIED DEVELOPMENT CODE

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(Ord. No. [2022-4764](#), 08/09/2022)

## ARTICLE 2 – ZONING DISTRICTS AND LAND USES

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### Division 2.200, Use Standards

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#### Sec. 2.206, Accessory Use and Structure Standards

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#### **D. General Standards for Accessory Structures and Uses.**

1. *Residential Uses.* The following provisions apply to all residential uses in any district:

a. *Use of Structure.* The accessory structure is not used for commercial purposes except for approved cottage industries.

b. *Accessory Structures to Single-Family Uses.* Accessory structures to single-family uses are designed and located as follows:

i. *Front and Street Side Yards.* No freestanding accessory structure on a single-family (including lot-line and village house) lot shall be located:

1. In front of the principal structure;
2. Within the required front yard;
3. Within a required street side yard; or
4. Within a utility easement of record.

ii. *Side yards.* Freestanding accessory structures may be located in side yards of single-family (including lot-line and village house) lots if:

1. If the lot is 1/2 acre or greater in size;
2. The side yard is not a street side yard;
3. The structure is located at least 20 feet behind the extended front plane of the principal structure; and
4. The structure is not located in a utility easement of record.

iv. **Floor Area.**

1. No single freestanding accessory structures shall exceed 30% of the floor area of the principal structure except as may be specifically permitted in Subsection F, Storage and Utility Sheds, below.



# UNIFIED DEVELOPMENT CODE

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(Ord. No. [2022-4764](#), 08/09/2022)

## ARTICLE 9 – DEVELOPMENT REVIEW PROCEDURES

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### Division 9.500, Quasi-Judicial Review Procedures

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#### *Sec. 9.501, Variances*

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#### **B. Specific Review Criteria.**

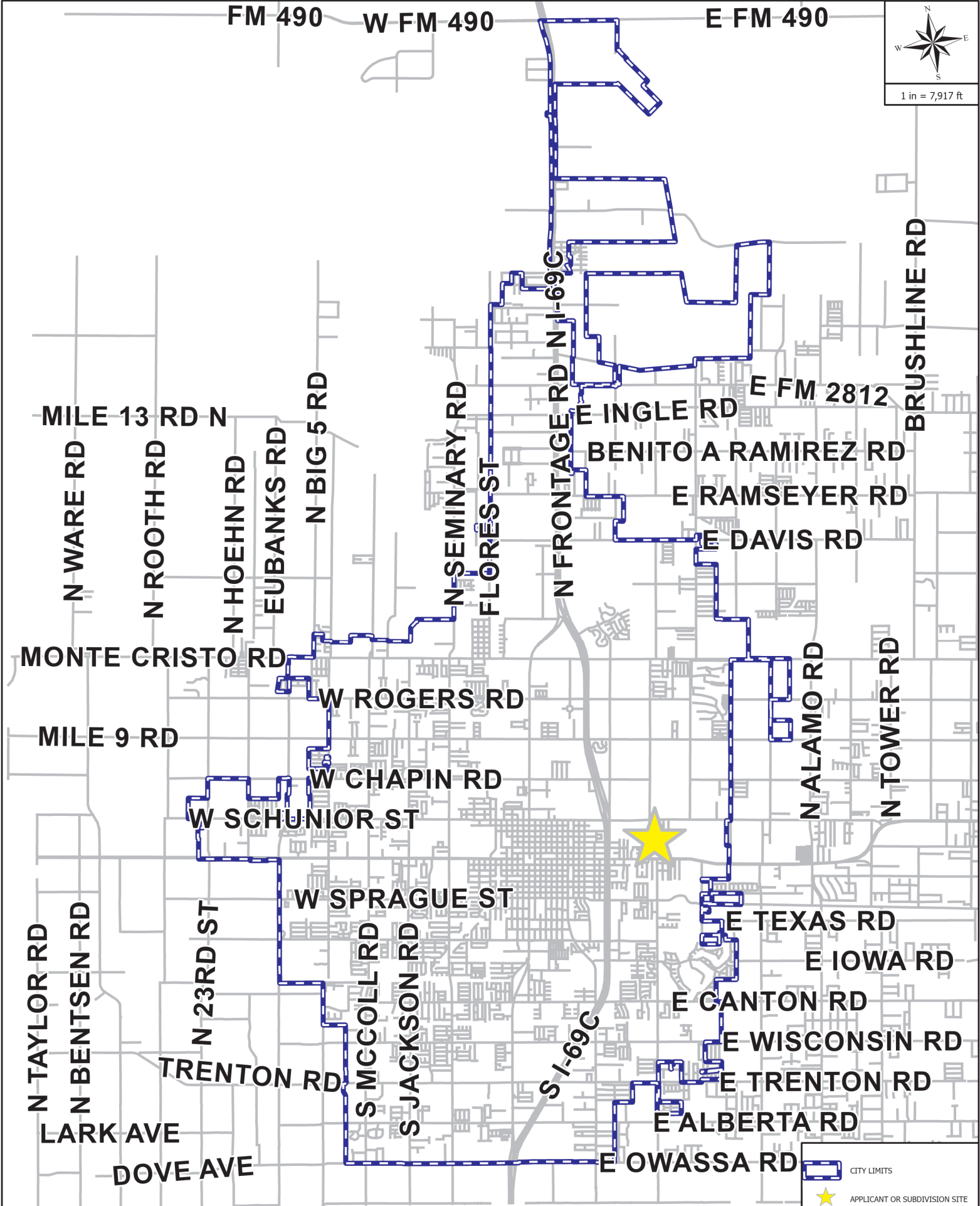
1. *Review Criteria.* In determining whether to approve, approve with conditions, or deny a Variance, the review bodies shall consider the applicable common decision criteria in Sec. 9.205, Common Decision Criteria, and should not grant a variance unless the following conditions are satisfied:
  - a. There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
  - b. The need for a Variance or the extraordinary and exceptional conditions do not result from the actions of the applicant;
  - c. Granting the Variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district;
  - d. A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
  - e. Granting of the Variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
  - f. The Variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure;
  - g. The Variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district;
  - h. The Variance will not permit an intensity of use of land that is not permitted in the applicable district; and
  - i. The Variance is consistent with the City's Comprehensive Plan.
2. *Affirmative Findings.* In order to approve an application for a Variance, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.



FM 490

W FM 490

E FM 490



EDINBURG NEW DEVELOPMENT MAP

APPLICANT AND/OR SUBDIVISION:

MELDEN & HUNT - MANUEL PERALES - 406 N M RD

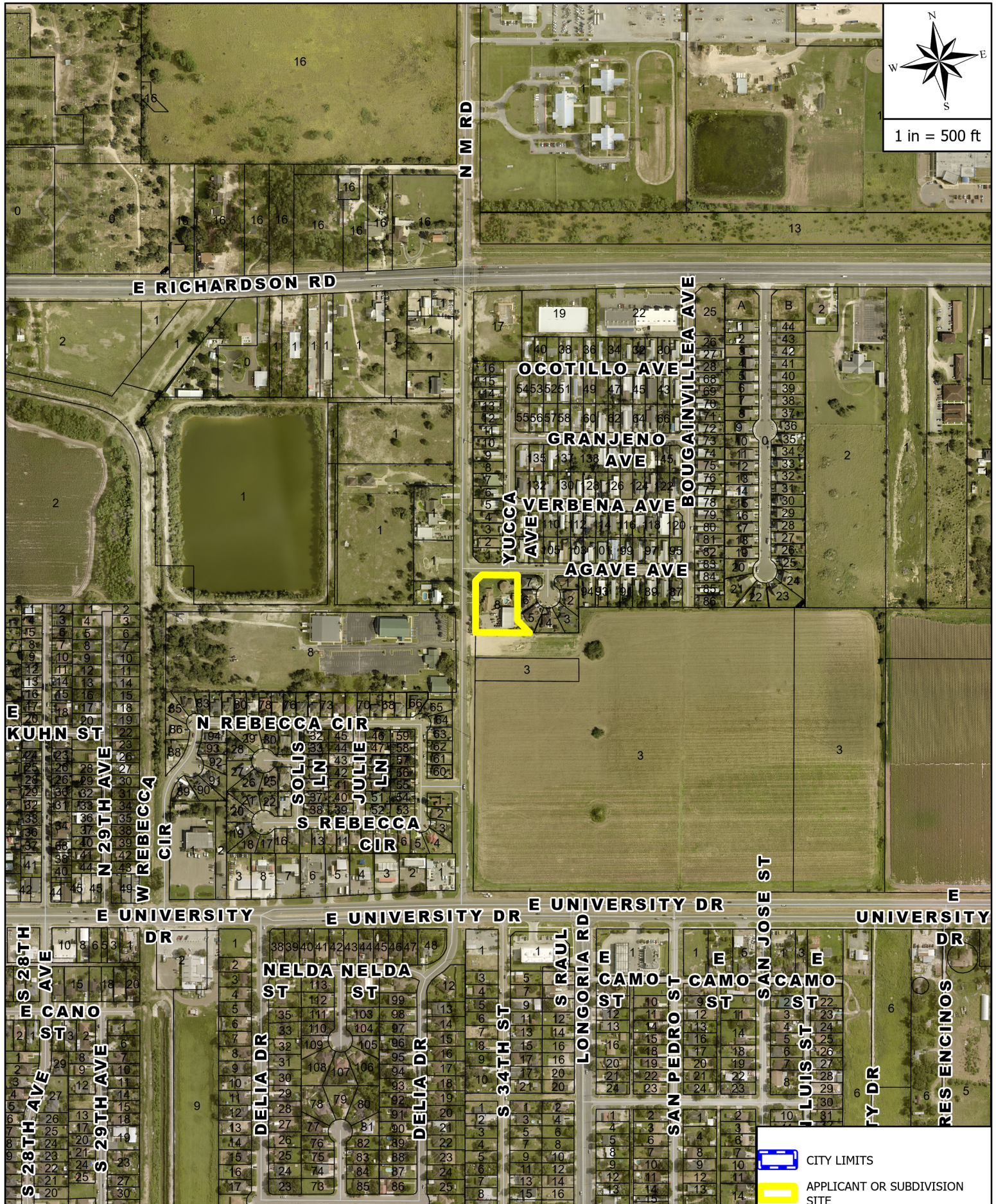


CITY LIMITS



APPLICANT OR SUBDIVISION SITE





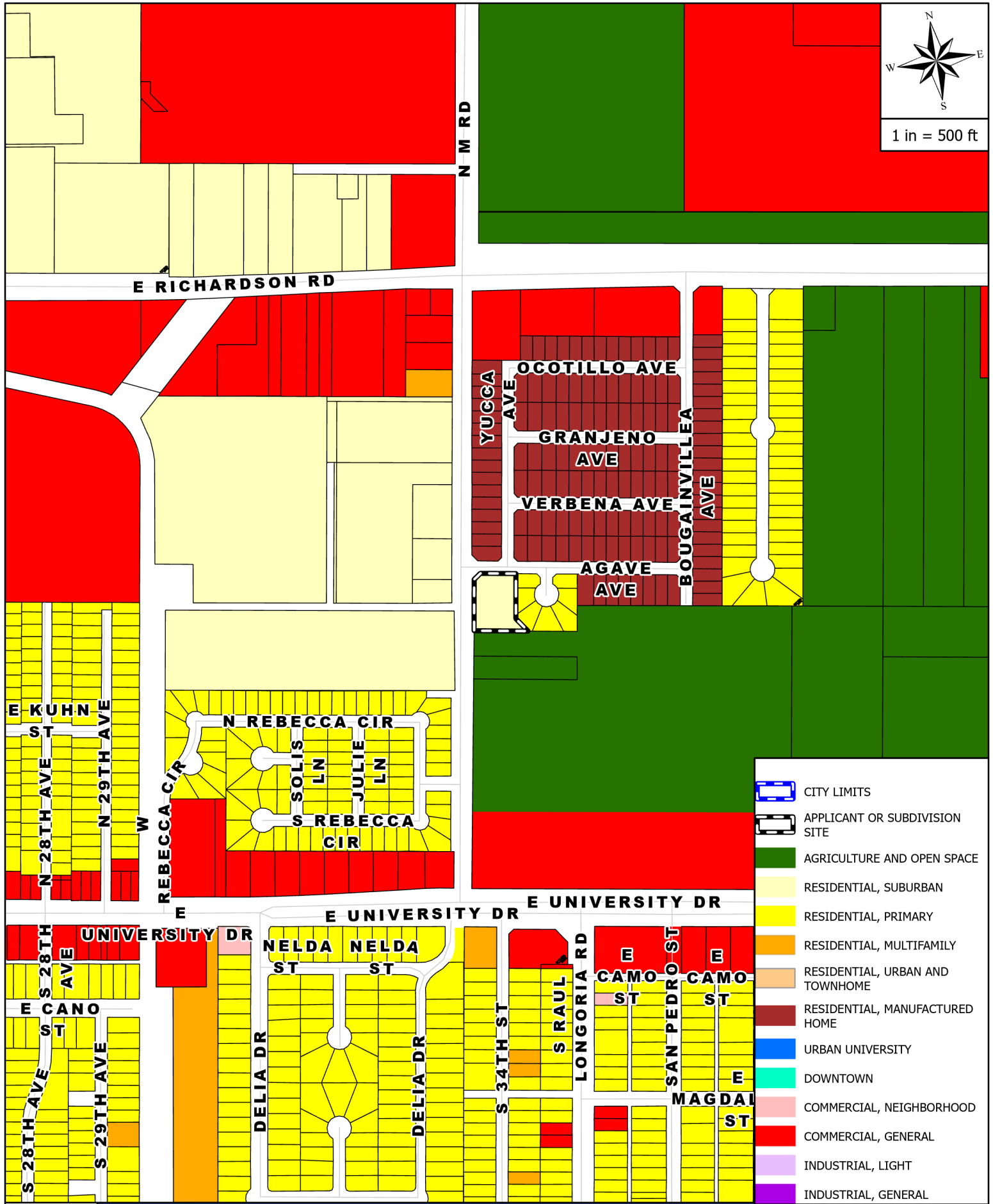
1 in = 500 ft

AERIAL MAP

APPLICANT AND/OR SUBDIVISION:

MELDEN & HUNT - MANUEL PERALES - 406 N M RD





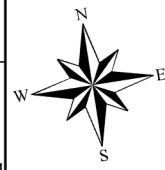
# ZONING MAP

BA

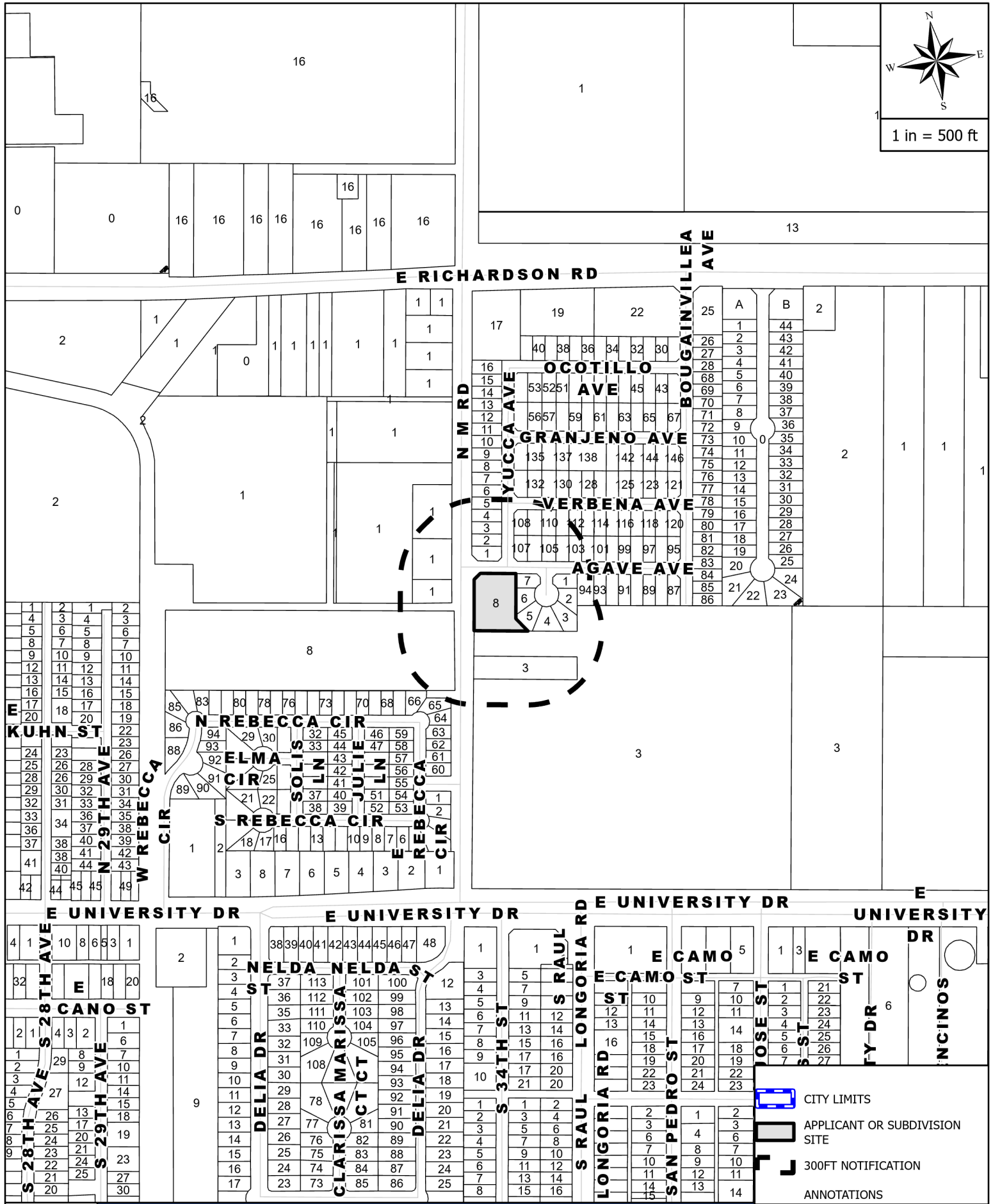
## APPLICANT AND/OR SUBDIVISION:

MELDEN & HUNT - MANUEL PERALES - 406 N M RD





1 in = 500 ft



**MAILOUT AND SITE MAP**  
**APPLICANT AND/OR SUBDIVISION:**  
MELDEN & HUNT - MANUEL PERALES - 406 N M RD



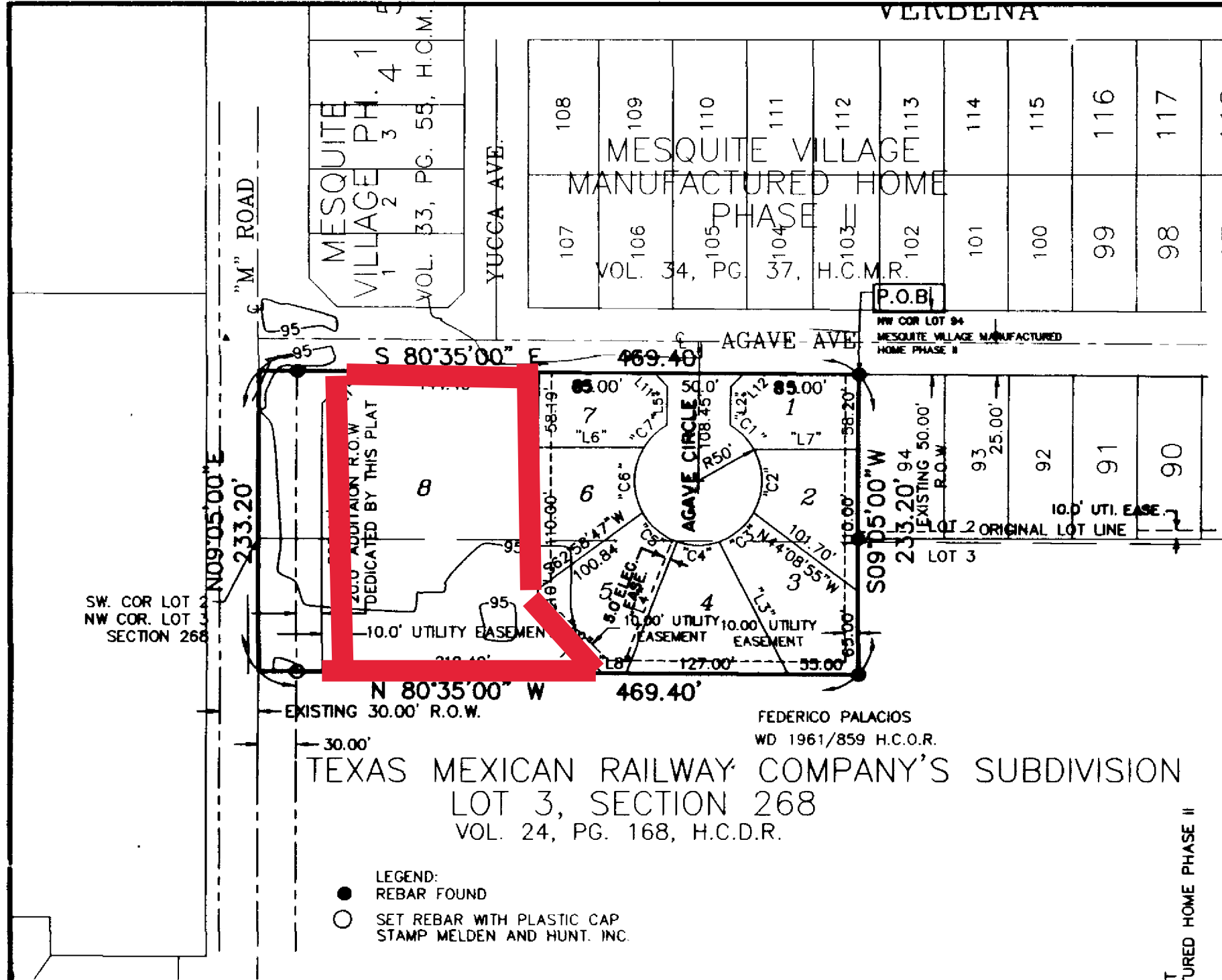


## Site Photo

**Manuel Perales Jr.**  
406 North M Road







## PLAT OF CAMARADA DEL SOL

BEING A RESUBDIVISION 2.513 ACRES OF LAND  
OUT OF LOTS 2 & 3, SECTION 268  
TEXAS-MEXICAN RAILWAY COMPANY'S SUBDIVISION  
VOL. 24, PG. 168, H.C.D.R.  
EDINBURG, HIDALGO COUNTY, TEXAS

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	BEARING
"C1"	30°38'08"	50.00	26.73	13.70	26.42	N35°35'56"W
"C2"	58°50'34"	50.00	51.35	28.20	49.12	N09°08'25"E
"C3"	41°15'11"	50.00	36.00	18.82	35.23	N59°11'17"E
"C4"	38°32'15"	50.00	33.63	17.48	33.00	S80°55'00"E
"C5"	41°15'11"	50.00	36.00	18.82	35.23	S41°01'17"E
"C6"	60°47'02"	50.00	53.04	29.33	50.59	S09°59'49"W
"C7"	28°41'39"	50.00	25.04	12.79	24.78	S54°44'10"W

IRREGULAR LOTS	
LOT	SQ. FT.
1	5,581
2	6,267
3	8,016
4	8,143
5	7,408
6	6,327
7	5,439
8	40,434

LINE TABLE		
LINE	LENGTH	BEARING
"L1"	35.25	S54°15'38"W
"L2"	25.00	S09°05'00"W
"L3"	116.03	S18°22'25"E
"L4"	109.95	S30°41'46"W
"L5"	25.28	S09°05'00"W
"L6"	82.28	S80°55'00"E
"L7"	81.42	N80°55'00"W
"L8"	18.00	N80°35'00"W
"L9"	70.92	N35°45'00"W
"L10"	15.00	N09°05'00"E
"L11"	21.27	S35°45'00"E
"L12"	21.15	S54°15'00"W

### GENERAL NOTES :

- THIS SUBDIVISION IS IN ZONE "X" SHADED. ZONE "X" AS BASE SHADED IS DEFINED AS AN AREA OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREA LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEARS FLOOD. FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 480338 0020 E, REVISED AS PER LOMR LETTER EFFECTIVE DATE OF REVISION MAY 14, 2001 FURTHER REVISED: JUNE 6, 2000.
- MINIMUM PERMISSIBLE FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB AT CENTER OF LOT.
- MINIMUM SETBACKS SHALL BE AS FOLLOWS :  
FRONT- 25' CUL-DE-SAC 15' (OR GREATER FOR EASEMENT)  
REAR- 20% OF LOT DEPTH. NOT TO EXCEED 40.0'  
SIDE- 6'  
SIDE CORNER- 10'  
SIDE GARAGE- 18' EXCEPT WHERE GREATER SETBACK REQUIRED
- THIS SUBDIVISION SHALL BE REQUIRED TO RETAIN 183 C.F. OF STORM SEWER RUNOFF ON LOT 1-7 & 1,628 C.F. OF STORM SEWER RUNOFF ON LOT 8.
- BENCH MARK: TOP OF INLET ALONG THE SOUTH SIDE OF AGAVE AVENUE APPROXIMATELY 205 FEET EAST OF THE CENTERLINE OF "M" ROAD. ELEV. 93.90. N.G.V.D. 1929
- NO BUILDING ALLOWED OVER ANY EASEMENT OR LOT LINE.
- DRIVEWAYS ON CUL-DE-SAC WILL BE ALTERNATED.
- 5' SIDE WALK REQUIRED ALONG THE SOUTH SIDE OF AGAVE AVE. AT BUILDING PERMIT STAGE.
- LOT 1-8 SHALL BE SINGLE FAMILY RESIDENTIAL.
- 50% PARKLAND DEDICATION FEE DUE AT BUILDING PERMIT STAGE.
- 4' SIDEWALK REQUIRED AT BUILDING PERMIT STAGE.

### METES AND BOUNDS DESCRIPTION:

A TRACT OF LAND CONTAINING 2.513 ACRES SITUATED IN THE CITY OF EDINBURG, HIDALGO COUNTY, TEXAS, BEING A PART OR PORTION OF LOTS 2 & 3 SECTION 268, TEXAS-MEXICAN RAILWAY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 24, PAGE 168, HIDALGO COUNTY MAP RECORDS, SAID 2.513 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR FOUND ON THE NORTHWEST CORNER OF LOT 94, OF MESQUITE VILLAGE MANUFACTURED HOME PHASE II AS RECORDED IN VOL. 34, PG. 37 H.C.M.R., FOR THE NORTHEAST CORNER OF THIS TRACT;

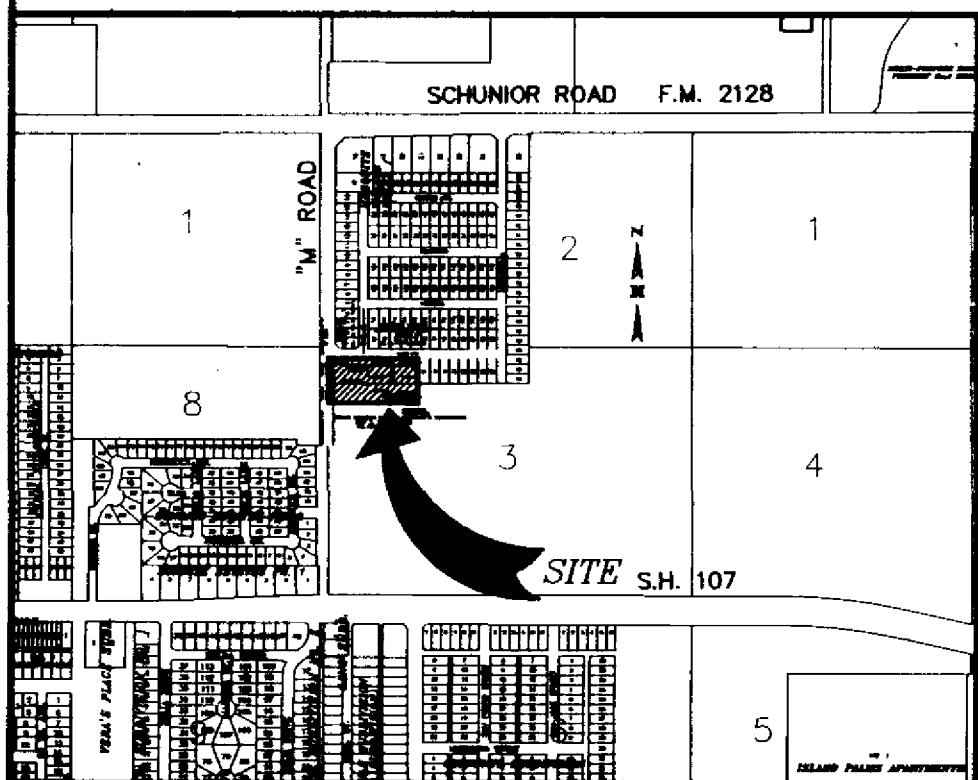
THENCE S 09° 05' 00" W. ALONG THE WEST LINE OF SAID LOT 94, AT A DISTANCE OF 127.75 FEET PASS A REBAR FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 94, AT A DISTANCE OF 130.20 FEET PASS THE SOUTH LINE OF LOT 2 AND THE NORTH LINE OF LOT 3, SECTION 268, CONTINUING A TOTAL DISTANCE OF 233.20 FEET TO A REBAR FOUND FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE, N 80° 35' 00" W. AT A DISTANCE OF 439.40 FEET PASS A REBAR SET ON EAST RIGHT-OF-WAY LINE OF "M" ROAD AND CONTINUING A TOTAL DISTANCE OF 469.40 FEET TO THE WEST LINE OF SAID LOT 3 AND WITHIN THE RIGHT-OF-WAY OF "M" ROAD, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, N 09°05' 00" E ALONG THE WEST LINE OF SAID LOT 3 AND WITHIN THE RIGHT-OF-WAY OF "M" ROAD, AT DISTANCE OF 103.0 FEET PASS THE NORTHWEST CORNER OF LOT 3 AND THE SOUTHWEST CORNER OF LOT 2 SECTION 268, CONTINUING A TOTAL DISTANCE OF 233.20 FEET TO THE NORTHWEST CORNER OF THIS TRACT;

THENCE, S 80° 35' 00" E ALONG THE SOUTH RIGHT-OF-WAY LINE OF AGAVE AVENUE, AT A DISTANCE OF 30.00 FEET PASS AN REBAR FOUND ON EAST RIGHT-OF-WAY LINE OF "M" ROAD AND CONTINUING A TOTAL DISTANCE OF 469.40 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2.513 ACRES, OF WITH 0.161 OF ONE ACRE LIES IN THE RIGHT-OF-WAY OF "M" ROAD LEAVING A NET OF 2.352 ACRES OF LAND, MORE OR LESS.

LOCATION MAP  
SCALE: 1" = 1000'



FOR IRRIGATION PURPOSES ONLY: Carl Conaway DATE 9-16-03  
DRAWN BY: Leo J. Menden DATE 9-16-03  
SURVEYED, CHECKED: \_\_\_\_\_ DATE \_\_\_\_\_  
FINAL CHECK: Be DATE 11-16-04



**MELDEN & HUNT INC.**  
CONSULTANTS • ENGINEERS • SURVEYORS

115 W. McINTYRE  
EDINBURG, TX. 78541  
E-MAIL: [www.meldenandhunt.com](http://www.meldenandhunt.com)  
OFF: (956) 381-0881  
FAX: (956) 381-1839  
ESTABLISHED 1947

STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE CAMARADA DEL SOL TO THE CITY OF EDINBURG, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

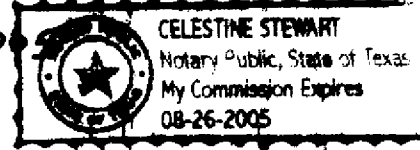
Matt Parkinson  
MATT PARKINSON  
406 N. "M" ROAD  
EDINBURG, TEXAS 78539

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MATT PARKINSON KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND SEAL OF OFFICE.

THIS THE 12th DAY OF January, 2005

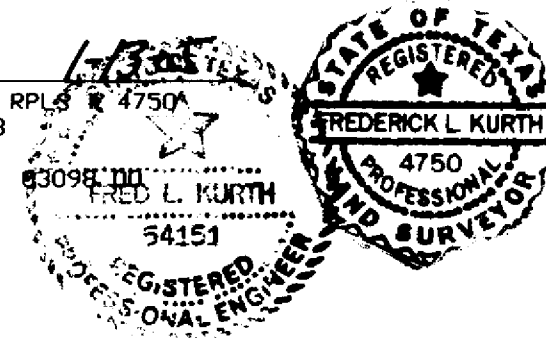
Celestine Stewart  
NOTARY PUBLIC, HIDALGO COUNTY, TEXAS  
MY COMMISSION EXPIRES: 8-26-20



STATE OF TEXAS  
COUNTY OF HIDALGO

I, THE UNDERSIGNED, FRED L. KURTH, A REGISTERED PROFESSIONAL ENGINEER AND REGISTERED PUBLIC LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT AND IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED.

Fred L. Kurth  
FRED L. KURTH, RPE # 54151 RPLS # 4750  
DATE SURVEYED: JULY 03, 2003  
DATE PREPARED: MAY 15, 2003  
-676, PG. 11-13 JOB No. 03098-00  
FRED L. KURTH  
54151



I, THE UNDERSIGNED, CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDINBURG, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

Walter J. Jike  
CHAIRPERSON, PLANNING COMMISSION  
DATE: 03/09/04

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS THE 16th DAY OF October, 2003.

ATTEST: Walter J. Jike  
PRESIDENT  
Madden  
SECRETARY

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H.C.I.D. #1 RIGHTS-OF-WAY OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE H.C.I.D. #1

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 49.21 (C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

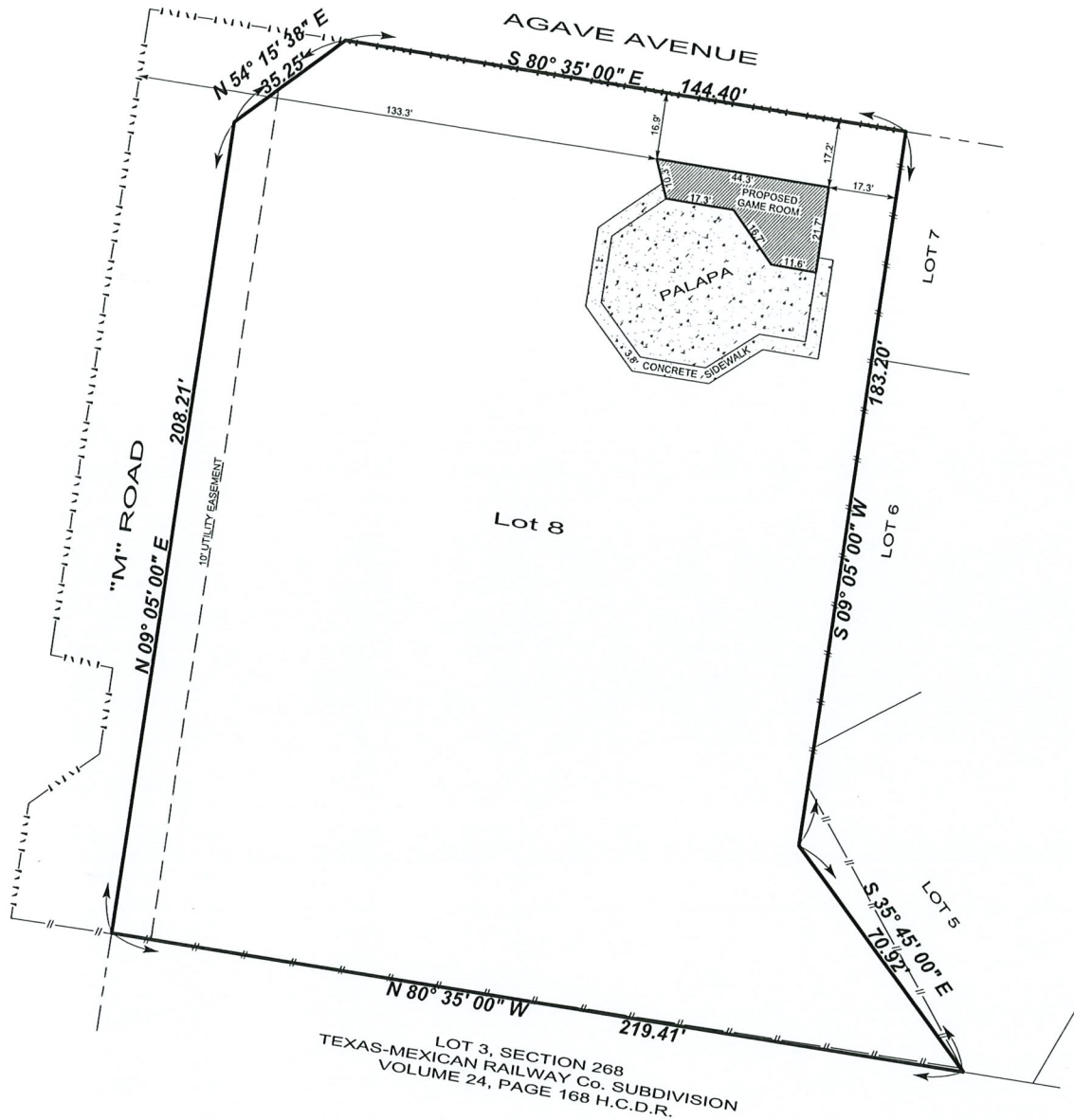
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

BY: Walter J. Jike 2/9/05

FILED FOR RECORD IN:  
HIDALGO COUNTY  
BY J.D. SALINAS, III  
COUNTY CLERK  
ON: 10/16/04 AT 10:40 AM  
AS A RECORDING NUMBER 1455921  
BY: Imelda J. Salinas DEPUTY

Recorded in Volume 47 Page 128  
of the map records of Hidalgo  
County, Texas  
J.D. Salinas III  
County Clerk





- NOTES:**  
1. ALL DISTANCES ARE TO EXISTING FENCES.



LEGEND	
	EDGE OF ROOM
	WOOD FENCE
	WROUGHT IRON FENCE
	CONCRETE AREA

ADDRESS: 406 N. M ROAD  
EDINBURG, TEXAS

FOR: \_\_\_\_\_  
\_\_\_\_\_



BOOK: T-1 PG.  
DATE: 5/8/2023  
JOB No.  
FILE NAME: 406 N. M ROAD  
DRAWN BY: J.C.

115 W. McINTYRE  
EDINBURG, TX 78541  
PH: (956) 381-0981  
FAX: (956) 381-1839  
ESTABLISHED 1947  
www.meldenandhunt.com

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## Planning & Zoning

415 West University Drive Edinburg,  
Texas 78539  
(956) 388-8202



THE CITY OF  
**Edinburg**

## Zoning Variance Application

ENERGOV CASE # VAR-2023-0197

Property Owner Name: Manuel Perales Jr.

### Owner Contact Information

Mailing Address: 406 N. M RD Edinburg, TX 78542  
Street Address City/State Zip Code

Phone (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): (956) 522-7949

Email: p\_sconstruction06@yahoo.com

Agent/Applicant Name (if different than Owner): Melden & Hunt, Inc.

### Applicant Contact Information

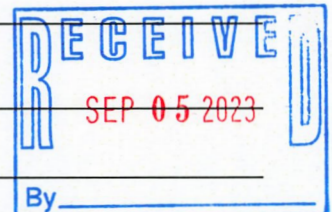
Mailing Address: 115 W. McIntyres Street Edinburg, TX 78541  
Street Address City/State Zip Code

Phone (Home): \_\_\_\_\_ (Work): (956) 381-0981 (Cell): \_\_\_\_\_

Email: ruben@meldenandhunt.com

Property Address for Variance: 406 N. M RD Edinburg, TX 78542  
Street Address City/State Zip Code

Property Legal Description: 8 Camarada Del Sol  
Lot Block Subdivision



Present Property Zoning: RP - Residential, Primary ☒ Property ID#: 692218

Nature of Request (cite all applicable issues needing variance):

**Please see Section 2.206 of the unified development code regarding accessory**

**structures**

### Reason for Appeal

*Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.*

**Accessory structure foot print will be partially inclosed, no additional square feet will be added**

### OFFICE USE ONLY:

UDC Section(s) Requiring Variance: \_\_\_\_\_

Reviewed by: Anaical Date: 9/5/23



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 346472**  
**ARREGUIN ARGENTINA**  
2223 REBECCA DR  
EDINBURG, TX 78542-0664

**PID: 296984**  
**CHRISTIAN LIFE CHURCH**  
321 N M RD  
EDINBURG, TX 78542-2570

**PID: 593371**  
**AVALOS NANCY A**  
2505 AGAVE AVE  
EDINBURG, TX 78542-8391

**PID: 593372**  
**ZAMORA SYLVIA & ABELARDO CUELLAR**  
5607 CAMANCHE DR  
EDINBURG, TX 78542-8792

**PID: 593381**  
**GONZALEZ MAXIMO & ADRIANA M**  
2502 VERBENA AVE  
EDINBURG, TX 78542-3761

**PID: 593380**  
**ACUNA EMMA**  
7204 E MILE 17 ROAD  
EDINBURG, TX 78542-6627

**PID: 593373**  
**VELA ALFREDO**  
2415 AGAVE CIR  
EDINBURG, TX 78542-8336

**PID: 593374**  
**VEGA VELIAZAR**  
423 ZENON MOYA ST  
EDINBURG, TX 78542-0326

**PID: 593379**  
**SAN JUAN REYNALDO & MARIBEL**  
2412 VERBENA AVE  
EDINBURG, TX 78542-8392

**PID: 692216**  
**OVALLE FRANCISCO JAVIER & CLAUDIA YVETTE**  
2408 AGAVE CIR  
EDINBURG, TX 784321

**PID: 593375**  
**ESPINOSA MICHELLE**  
702 DELIA DR  
EDINBURG, TX 78542

**PID: 593376**  
**SALAZAR GERARDO**  
2403 AGAVE CIR  
EDINBURG, TX 78542-8336

**PID: 593377**  
**PADILLA JOEL JR**  
1663 RANCHO GRANDE W  
SAN BENITO, TX 78586

**PID: 593362**  
**RIVERA CLEMENTE**  
2510 AGAVE AVE  
EDINBURG, TX 78542-8391

**PID: 583334**  
**OSORIO ADRIANA GARZA**  
510 YUCA AVE  
EDINBURG, TX 78542-0499

**PID: 583333**  
**DELEON SYLVIA MARTINEZ**  
508 YUCCA AVE  
EDINBURG, TX 78542-0499

**PID: 583332**  
**GUFFEY MELISSA**  
502 YUCCA AVE LOT 2  
EDINBURG, TX 78542-0499

**PID: 692213**  
**ANGULO JUAN F**  
2414 AGAVE CIR  
EDINBURG, TX 78542-8336

**PID: 692214**  
**HERNANDEZ RAUL**  
2412 AGAVE CIR  
EDINBURG, TX 78542-8336

**PID: 692215**  
**DE LA ROSA CYNTHIA A**  
2410 AGAVE CIRCLE  
EDINBURG, TX 78542-8336



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 692218**  
**PERALES MANUEL JR**  
406 N M RD  
EDINBURG, TX 78542-0448

**PID: 692211**  
**RODRIGUEZ CLAUDIA V & SERGIO**  
1725 W GASTEL CIR  
MISSION, TX 78572-3037

**PID: 692217**  
**RIOS JOSE R & AMANDA A CERVANTES**  
2406 AGAVE CIRCLE  
EDINBURG, TX 78542-8336

**PID: 593363**  
**RODRIGUEZ-BARRIOS CLAUDIA V**  
2506 AGAVE AVE  
EDINBURG, TX 78542

**PID: 296961**  
**PEREZ ANIVAL & NIDIA**  
501 N M RD  
EDINBURG, TX 78542-8425

**PID: 507138**  
**SANCHEZ MARIA AURORA**  
427 N M RD  
EDINBURG, TX 78542-8469

**PID: 296972**  
**CHRISTIAN LIFE CHURCH**  
321 N M RD  
EDINBURG, TX 78542-2570

**PID: 296900**  
**PALACIOS FEDERICO**  
2919 N KENYON RD  
EDINBURG, TX 78542-1597

**PID: 593378**  
**RIVERA ESSENTIAL HOMES LLC**  
4902 N 47TH LN  
MCALLEN, TX 78504

**PID: 583331**  
**GUFFEY MELISSA**  
502 YUCCA AVE LOT 2  
EDINBURG, TX 78542-0499

**PID: 583329**  
**GUFFEY MELISSA**  
502 YUCCA AVE LOT 2  
EDINBURG, TX 78542-0499

**PID: 692212**  
**ALEJANDRO ROSARIO**  
2416 AGAVE CIR  
EDINBURG, TX 78542-8336

**PID: 503062**  
**PEARSON NEAL & LUISA**  
405 N M RD  
EDINBURG, TX 78542-0448

**PID: 1333620**  
**PERALEZ MANUEL JR**  
406 N M RD  
EDINBURG, TX 78542



## Planning & Zoning Staff Report

Prepared on: September 20, 2023

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: September 27, 2023

#### Agenda Item

Consider Variance to the City's Unified Development Code, Section 3.202(A)(3), Lot and Design Standards, Nonresidential and Mixed-Use Lot Standards, Maximum Floor Area Ratio, Being Lot 2, a portion of tract of land containing 5.097 acres situated in the City of Edinburg, Hidalgo County, Texas, Being a part or portion out of Lot 48, Santa Cruz Ranch Subdivision, Located at 4201 North I69-C, as requested by Arturo Ortega.

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#### Request

The applicant is requesting a variance to the City's Unified Development Code (UDC) Section 3.202(A)(3) as it applies to floor area ratio for nonresidential uses. The applicant is proposing a self-storage facility that exceeds the maximum floor area ratio (FAR) allowed by the UDC.

#### Property Location and Vicinity

The property is located on the northwest corner of North I-69C frontage and Larry Twayne Way, approximately ½ a mile north of West Monte Cristo Road. The property is zoned Commercial, General (CG) District. Adjacent zoning is Commercial, General (CG) District to the north, east and south and Residential, Suburban (RS) District to the west. Adjacent land uses are commercial, residential and vacant land.

#### Background and History

The applicant submitted a preliminary application for proposed Freedom North Subdivision and is currently in construction phase. The applicant is proposing a self-storage facility at the site. The applicant sent over a proposal for the buildings at this site, at a preliminary review of the plans determined that the proposed development exceeds the maximum floor area ratio allowed for nonresidential developments. Variance is needed to proceed with the project as planned.

Staff mailed notice of this variance request to 15 neighboring property owners and received no comments in favor or against this request at the time this report was prepared.

#### Analysis

The subject property consists of 115,521.12 sq. ft. (2.652 acres). Plans submitted by the applicant propose building area of 98,123 sq. ft. This represents a floor area ratio (FAR) of 1.05, which is the ratio of the building to the total lot area. UDC Section 3.202(A)(3), Nonresidential and Mixed Use Standards, allows a maximum FAR of .388 for this type of development in the Commercial, General (CG) District. The proposed storage units would be building an additional 66.93% floor area than what is allowed by the UDC.



# Planning & Zoning Staff Report

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## Recommendation

Staff recommends approval of this variance request, based on previous request brought before the Zoning Board of Adjustment. Staff is beginning to see a trend with Self-Storage Units not being able to comply with the Floor Area Ratio as required by the Unified Development Code, because of this staff is looking closely at this requirement and evaluating if amending the code as it pertains to Self- Storage Units is something that may be beneficial. Recent variance cases of this nature we heard and approved by the Zoning Board of Adjustment on April 27, 2023 from Melden and Hunt Inc. for Foucheck Meyer located on the northeast corner of West University Drive and North McColl Road.

If approved, the applicant will need to comply with all other requirements during the permitting process. If approved, \$40 fee, payable to the County of Hidalgo, County Clerk's Office, for the recording of the ZBA order is also required. A location map, aerial map, photo, subdivision plat, site plan, and application from the property owner are attached for the Board's consideration.

Prepared by:

**Anaisa Licerio**  
Planner II

Approved by:

**Jaime Acevedo**  
Director of Planning & Zoning



# UNIFIED DEVELOPMENT CODE

(Ord. No. [2022-4764](#), 08/09/2022)

## ARTICLE 3 – LOT AND DESIGN STANDARDS

### Division 3.200, Standards for Nonresidential and Mixed-Use

#### Sec. 3.202, Standards for Nonresidential and Mixed-Use Development

...

**A. District Standards.** The district standards that are applicable to all nonresidential uses are provided in Table 3.202-1, Nonresidential Use District Standards. The table includes provisions for intensity, utility requirements, minimum site area, and maximum height. Information relating to these standards and their abbreviations follows:

1. **Use District and Development Types.** The first column of both tables reflects the zoning districts and permitted uses.
2. **Landscaped Surface Ratio (LSR).** The second column reflects the minimum landscaped surface ratio required on a site. The ratio is calculated as a percentage of the site area, for example, 0.25 indicates 25 percent of a site must be open space (residential) or landscaped area (nonresidential).
3. **Maximum Floor Area Ratio.** The fifth column sets out the maximum allowable intensity of nonresidential uses, which is measured by a floor area ratio (FAR). Floor area ratio is calculated as provided in Division 3.300, Measurements and Exceptions.
4. **Minimum Site Area.** The fourth column indicates the minimum area that is required for the listed development type.
5. **Maximum Height.** The last column indicates the maximum allowable height by use and district.

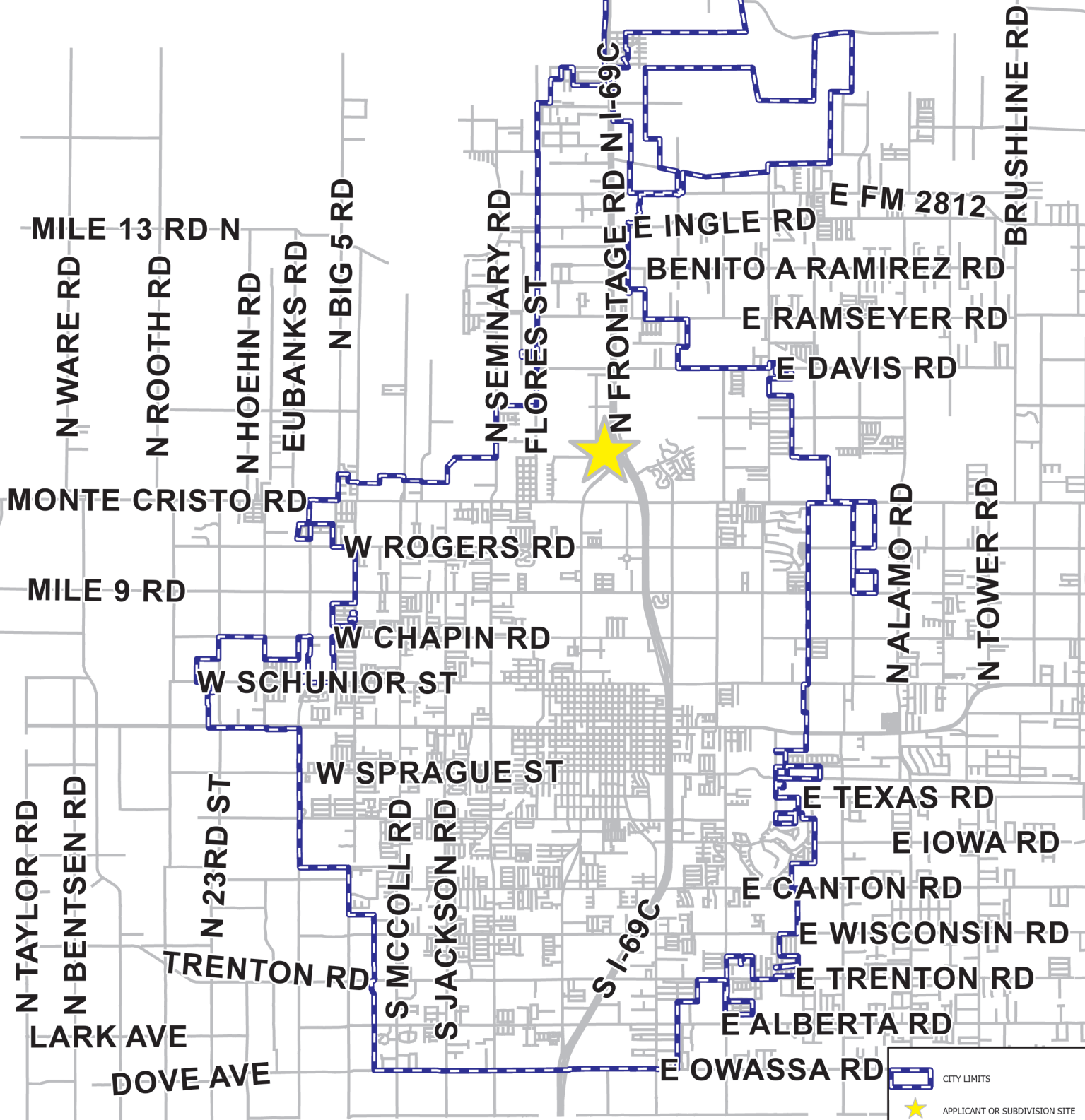
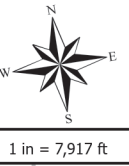
Table 3.202-1 Nonresidential and Mixed-Use Lot Standards					
District and Development Type	Minimum			FAR	Maximum
	LSR	Lot Area	Lot Width (ft)		Height (ft.)
Commercial, General (CG)					
Commercial retail	0.15	10,000 sf.	50	0.280	45
Offices and lodging	0.30	10,000 sf.	50	0.320	50
Services	0.15	10,000 sf.	50	0.317	45
Industrial	0.20	20,000 sf.	100	0.462	45
Warehouse	0.20	20,000 sf.	100	0.567	45
All other nonresidential uses	0.15	20,000 sf.	100	0.388	45



FM 490

W FM 490


E FM 490




**EDINBURG NEW DEVELOPMENT MAP**

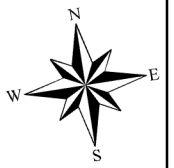
**APPLICANT AND/OR SUBDIVISION:**

ARTURO ORTEGA - 4201 N I69C

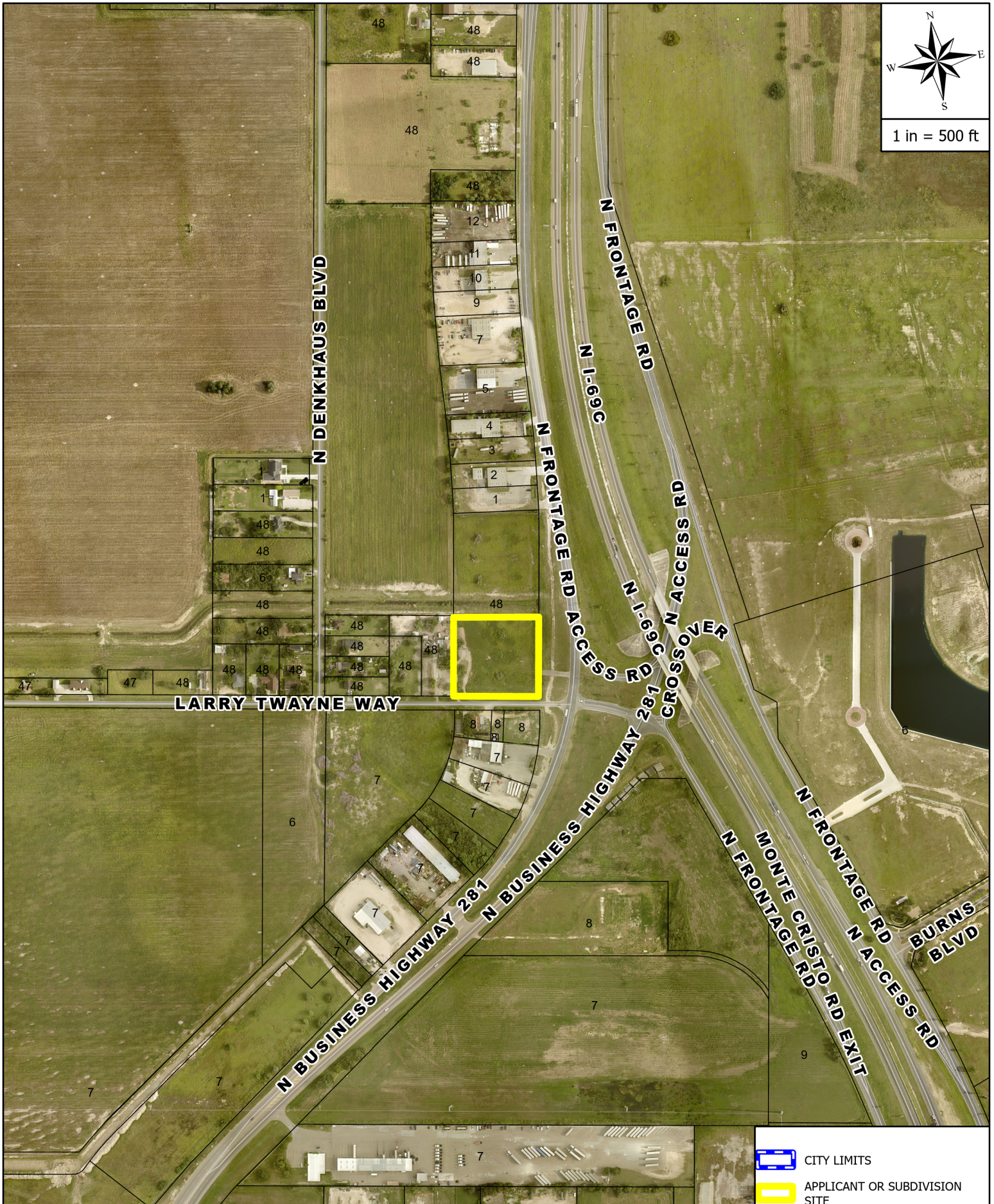
 CITY LIMITS

 APPLICANT OR SUBDIVISION SITE





1 in = 500 ft



CITY LIMITS



APPLICANT OR SUBDIVISION  
SITE

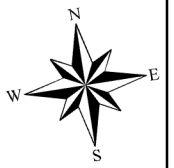


## AERIAL MAP

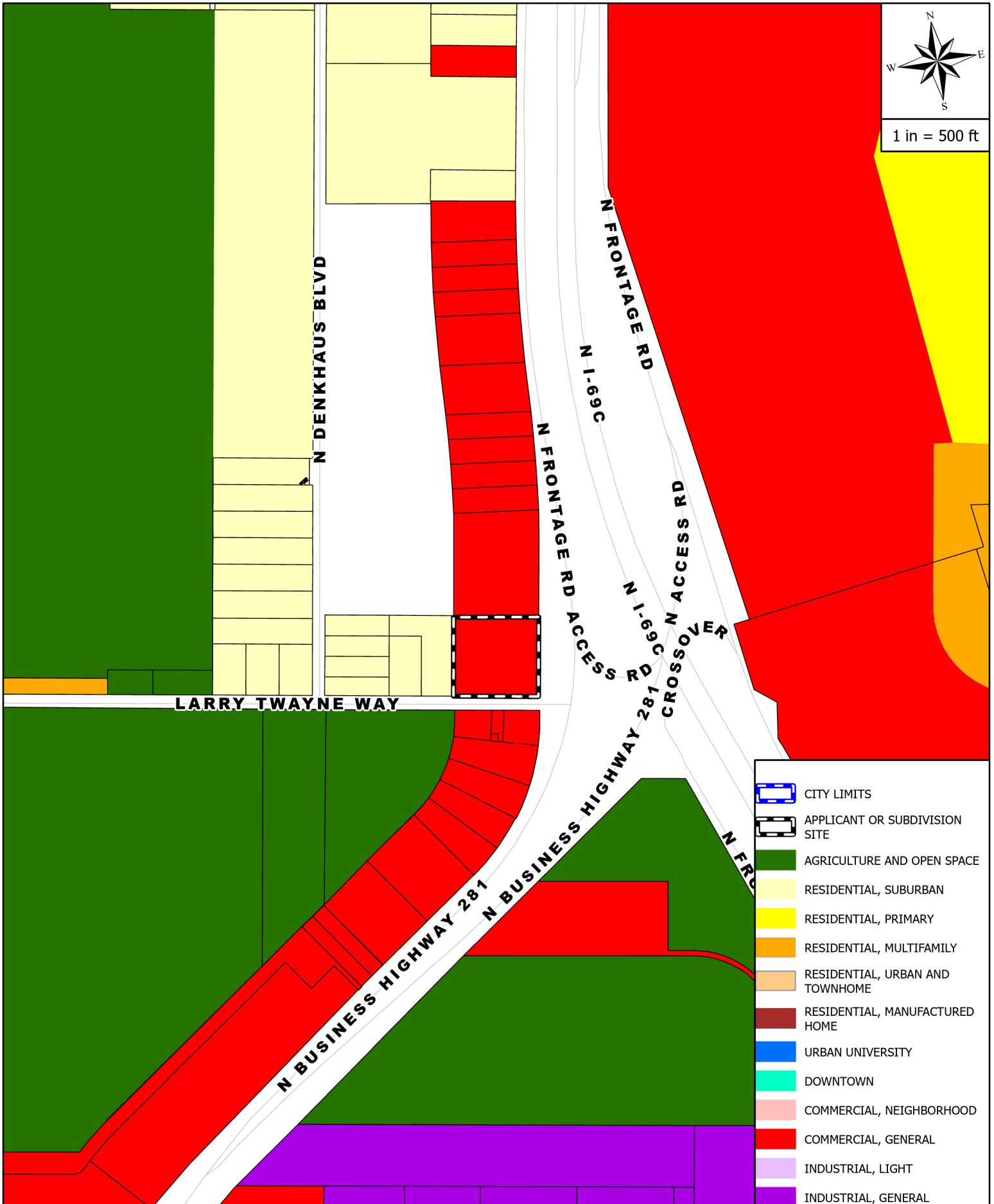
### APPLICANT AND/OR SUBDIVISION:

ARTURO ORTEGA - 4201 N I69C





1 in = 500 ft



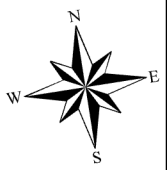
## ZONING MAP

BA

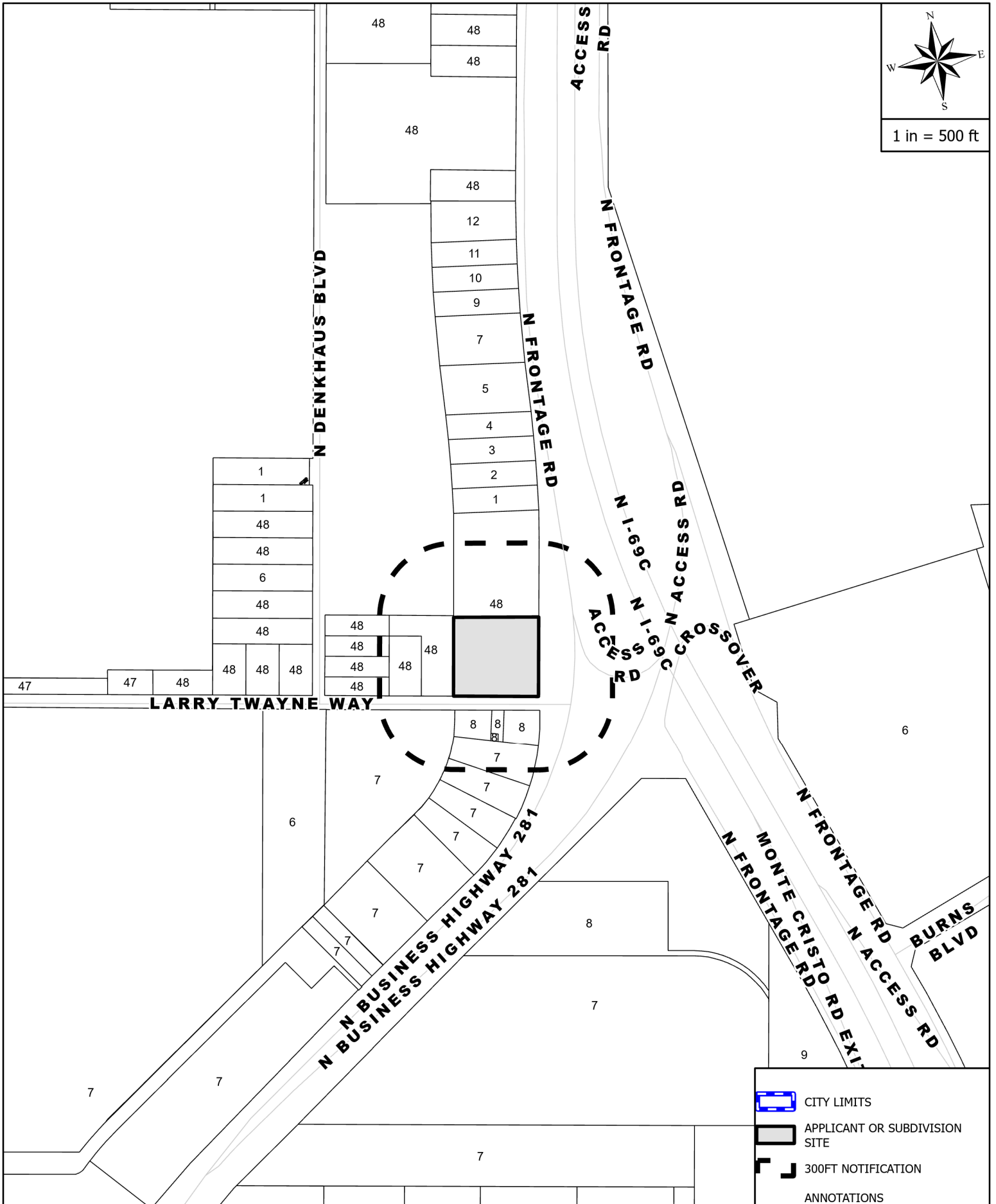
### APPLICANT AND/OR SUBDIVISION:

ARTURO ORTEGA - 4201 N I69C





1 in = 500 ft



## MAILOUT AND SITE MAP

**APPLICANT AND/OR SUBDIVISION:**

ARTURO ORTEGA - 4201 N I69C





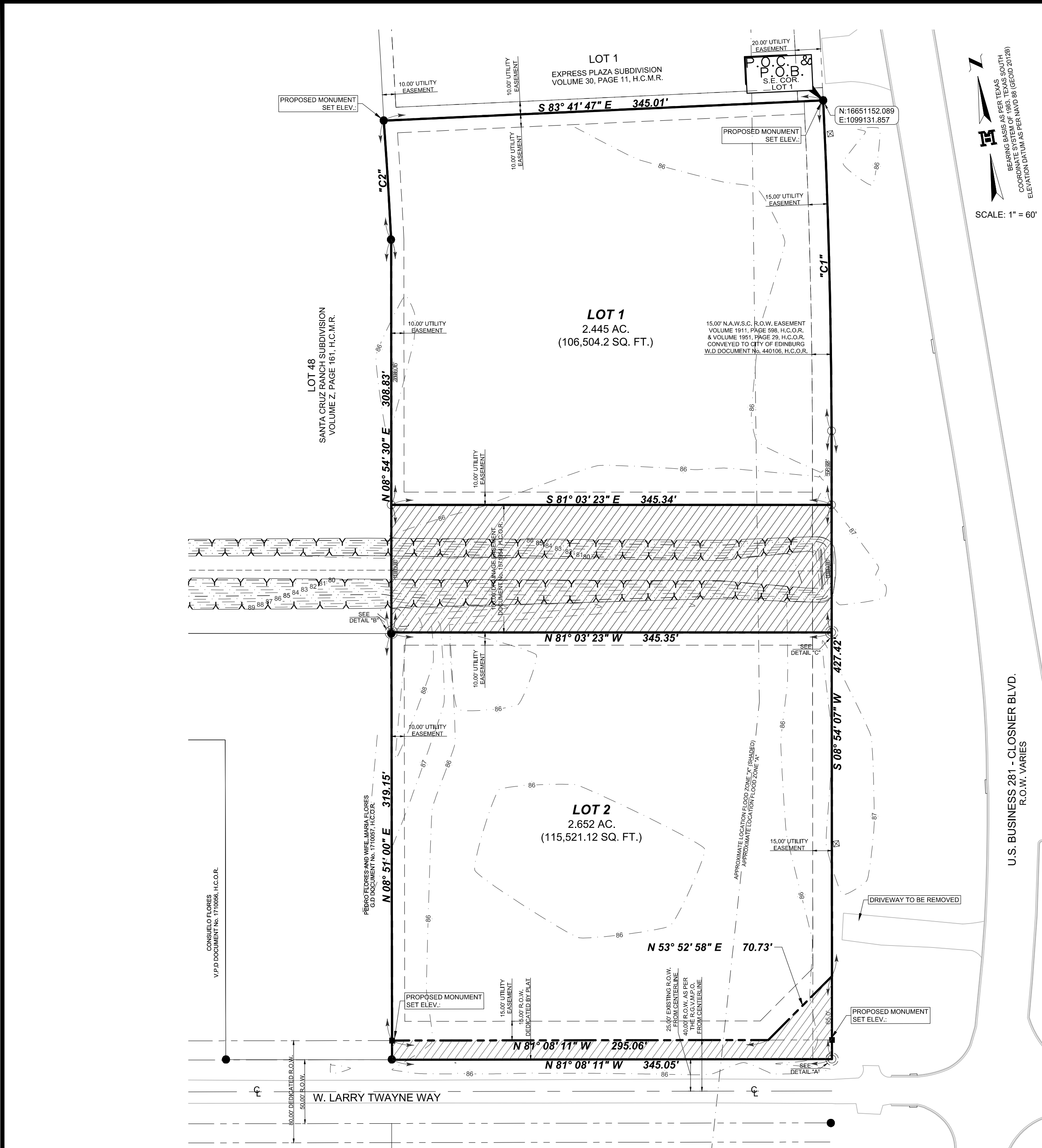
## Site Photo

**Arturo Ortega**

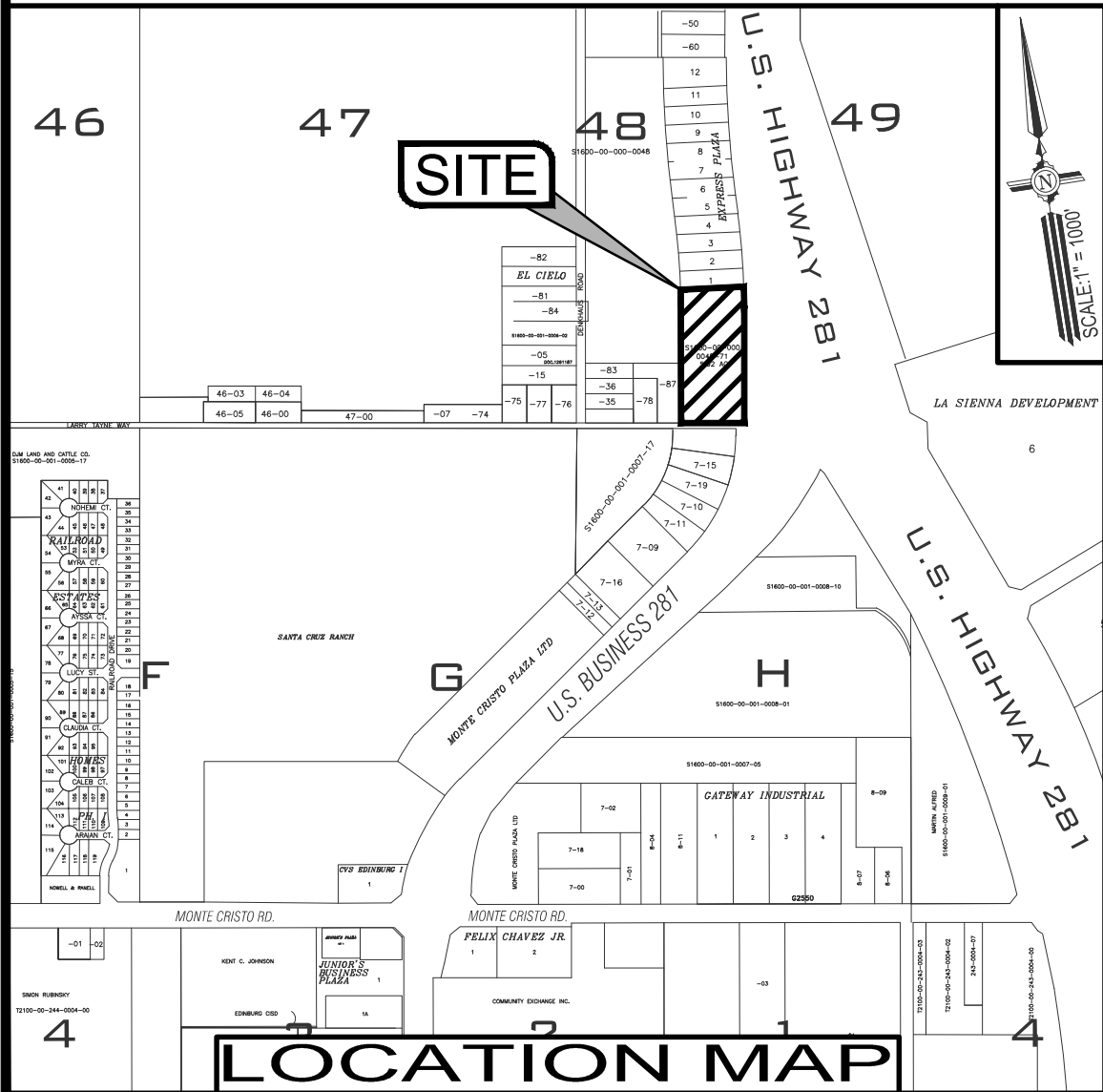
4201 North I69-C.







CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD
"C1"	002° 35' 28"	5731.86'	259.21'	129.62'	259.18'
"C2"	001° 31' 42"	3498.38'	93.31'	46.66'	93.31'



- LEGEND**
- FOUND NO. 4 REBAR
  - SET NO. 4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT
  - AC - OF ONE ACRE
  - D.E.C.R. - DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS
  - DOC - DOCUMENT
  - E.A.R.O.W. - EASEMENT AND RIGHT-OF-WAY
  - ESMT - EASEMENT
  - H.C.D.R. - HIDALGO COUNTY DEED RECORDS
  - H.C.M.R. - HIDALGO COUNTY MAP RECORDS
  - H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
  - NO - NUMBER
  - N.W. COR. - NORTHWEST CORNER
  - P.G. - PAGE
  - P.O.B. - POINT OF BEGINNING
  - P.O.C. - POINT OF COMMENCING
  - R.O.W. - RIGHT-OF-WAY
  - R.O.W.D. - RIGHT-OF-WAY DEED
  - SQ. FT. - SQUARE FEET
  - U.E. - UTILITY EASEMENT
  - VOL - VOLUME
  - W.D. - WARRANTY DEED
  - LOT LINE

**MELDEN & HUNT, INC.**  
CONSULTANTS • ENGINEERS • SURVEYORS  
115 W. McINTYRE - EDINBURG, TX 78541  
PH: (956) 381-0981 FAX: (956) 381-1839  
ESTABLISHED 1947 - www.meldenandhunt.com

DRAWN BY: JOSH F. DATE: 3-01-22  
SURVEYED, CHECKED DATE  
FINAL CHECK DATE

## SUBDIVISION MAP OF FREEDOM NORTH SUBDIVISION

A TRACT OF LAND CONTAINING 5.097 ACRES [222,025.32 SQUARE FEET]  
OUT OF LOT 48, SANTA CRUZ RANCH SUBDIVISION  
VOLUME Z, PAGE 161, H.C.D.R.,  
CITY OF EDINBURG, HIDALGO COUNTY, TEXAS

### GENERAL PLAT NOTES AND RESTRICTIONS:

- FLOOD ZONE STATEMENT:  
FLOOD ZONE DESIGNATION: ZONE "X" (SHADED), ZONE "X" (SHADED) IS "AREAS OF 100-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD".  
FLOOD ZONE DESIGNATION: ZONE "A", ZONE "A" IS "AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED."  
  
AS PER FLOOD PLAIN COMMUNITY-PANEL No. 480338 0020 E; REVISED DATE: JUNE 6, 2000. REVISED TO REFLECT LOMR DATED: MAY 14, 2001.
- THIS PROPERTY IS ZONED AS COMMERCIAL GENERAL DISTRICT.
- MINIMUM SETBACKS SHALL BE AS FOLLOWS:  
FRONT: 25.00 FEET  
REAR: 10.00 FEET OR EASEMENT, WHICHEVER IS GREATER  
SIDE: 10.00 FEET OR EASEMENT, WHICHEVER IS GREATER
- MINIMUM FINISHED FLOOR ELEVATION TO BE 2' ABOVE BASE FLOOD ELEVATION.
- SITE PLANS MUST BE SUBMITTED FOR CITY APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMIT.
- REQUIRED STORM SEWER RUNOFF DETENTION FOR THIS SUBDIVISION AS PER THE APPROVED DRAINAGE REPORT: 59,724 C.F. (1.371 AC.-FT.) TO BE PROVIDED ON SITE AND EACH LOT WILL REQUIRE TO DETAIN AS FOLLOWS. LOT 1 WILL BE REQUIRED TO DETAIN A TOTAL OF 29,862 CUBIC FEET, LOT 2: 29,862 CUBIC FEET FOR A TOTAL OF 59,724 CUBIC FEET.
- THE DEVELOPER SHALL BE RESPONSIBLE TO DETAIN AND ACCOMMODATE MORE THAN THE DETAINED VOLUMES SHOWN ABOVE IF IT IS DETERMINED AT THE DEVELOPMENT PERMIT STAGE THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ABOVE DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE ENGINEER CONSIDERED FOR HIS CALCULATIONS OF THIS SUBDIVISION.
- NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE KEPT CLEAR OF BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18" MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- THE ACCESS DRIVE SHALL ALWAYS BE OPEN TO EMERGENCY VEHICLES, PUBLIC AND PRIVATE UTILITY SERVICE PERSONNEL, THE U.S. POSTAL SERVICE AND GOVERNMENTAL EMPLOYEES IN PURSUIT OF THEIR OFFICIAL DUTIES.
- ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER PREVENTION PLAN (SW3P) REQUIREMENTS.
- ALL COMMON ACCESS, PARKING AND LANDSCAPING AREAS WILL BE MAINTAINED BY THE LOT OWNERS.
- OWNER / DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN U.S. BUSINESS 281 RIGHT-OF-WAY. ANY ACCESS POINTS TO U.S. BUSINESS 281 FROM THIS PROPERTY MUST COMPLY WITH THE LATEST VERSION OF TxDOT ACCESS MANAGEMENT MANUAL.
- SAID PROPERTY SHALL COMPLY WITH THE MOST CURRENT UNIFIED DEVELOPMENT CODE AND CITY OF EDINBURG REQUIREMENTS AND SPECIFICATIONS. SUCH REQUIREMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE UNIFIED DEVELOPMENT CODE SETBACK BUFFER YARDS, FLOOR AREA RATIO, LANDSCAPING, SURFACE RATIO PARKING REQUIREMENTS FIRE PROTECTION OR ANY OTHER CITY REQUIREMENTS.
- A 6-FOOT SIDEWALK WITH A D.A. RAMPS ALONG CLOISNER BOULEVARD AND A 5-FOOT SIDEWALK WITH A D.A. RAMPS ALONG LARRY TWAYNE WAY IS REQUIRED AT SUBDIVISION DURING CONSTRUCTION STAGE.
- ALL LOT CORNERS SET 1/2" IRON RODS OR AS NOTED.
- SEPTIC TANKS WILL ESCROW AND BE INSTALLED AT BUILDING PERMITS.
- ALL LOTS SHALL HAVE A POST DEVELOPMENT FINISH GRADE FROM REAR OF THE LOT TO THE CURB AT A 0.5% MIN. SLOPE TO ACCOMPLISH POSITIVE DRAINAGE

### METES AND BOUNDS DESCRIPTION:

A TRACT OF LAND CONTAINING 5.097 ACRES SITUATED IN THE CITY OF EDINBURG, COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOT 48, SANTA CRUZ RANCH SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME Z, PAGE 161, HIDALGO COUNTY DEED RECORDS, SAID 5.097 ACRES OUT OF A CERTAIN TRACT CONVEYED TO 3BU FAMILY LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP BY VIRTUE OF A GENERAL WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 3295749, HIDALGO COUNTY OFFICIAL RECORDS, SAID 5.097 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NO. 4 REBAR FOUND ON THE SOUTHEAST CORNER OF LOT 1, EXPRESS PLAZA SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 30, PAGE 11, HIDALGO COUNTY MAP RECORDS, FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT:

- THENCE, IN A SOUTHWESTERLY DIRECTION, ALONG THE WEST RIGHT-OF-WAY OF EXPRESSWAY 281 AND A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 02° 35' 28", A RADIUS OF 5,731.86 FEET, AN ARC LENGTH OF 259.21 FEET, A TANGENT OF 129.62 FEET, AND A CHORD THAT BEARS S 07° 29' 50" W A DISTANCE OF 259.18 FEET TO A NO. 4 REBAR SET FOR AN ANGLE POINT OF THIS TRACT;
- THENCE, S 08° 54' 07" W ALONG THE WEST RIGHT-OF-WAY OF EXPRESSWAY 281, AT A DISTANCE OF 57.98 FEET PASS A NO. 4 REBAR SET ON THE NORTHEAST CORNER OF A 0.793-ACRE SAVE & EXCEPT TRACT, AT A DISTANCE OF 157.98 FEET PASS A NO. 4 REBAR SET ON THE SOUTHEAST CORNER OF SAID 0.793-ACRE SAVE & EXCEPT TRACT, CONTINUING A TOTAL DISTANCE OF 492.42 FEET TO A NO. 4 REBAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;
- THENCE, N 81° 08' 11" W ALONG THE NORTH RIGHT-OF-WAY LINE OF LARRY TWAYNE WAY, A DISTANCE OF 345.05 FEET TO A NO. 4 REBAR FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT;
- THENCE, N 08° 51' 02" E A DISTANCE OF 334.15 FEET TO A NO. 4 REBAR FOUND FOR AN ANGLE POINT OF THIS TRACT;
- THENCE, N 08° 54' 30" E AT A DISTANCE OF 0.77 FEET PASS THE SOUTHWEST CORNER OF SAID 0.793-ACRE SAVE & EXCEPT TRACT, AT A DISTANCE OF 100.88 FEET PASS THE NORTHWEST CORNER OF SAID 0.793-ACRE SAVE & EXCEPT TRACT, CONTINUING A TOTAL DISTANCE OF 308.83 FEET TO A NO. 4 REBAR FOUND FOR AN ANGLE POINT OF THIS TRACT;
- THENCE, IN A NORTHEASTERLY DIRECTION, ALONG A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 01° 31' 42", A RADIUS OF 3,498.38 FEET, AN ARC LENGTH OF 93.31 FEET, A TANGENT OF 46.66 FEET, AND A CHORD THAT BEARS N 05° 24' 11" E A DISTANCE OF 93.31 FEET TO A NO. 4 REBAR FOUND AT THE SOUTHWEST CORNER OF SAID LOT 1, FOR THE NORTHWEST CORNER OF THIS TRACT;
- THENCE, S 83° 41' 47" E A DISTANCE OF 345.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.890 ACRES OF WHICH 0.793 OF ONE ACRE LIES WITHIN SAID SAVE & EXCEPT TRACT, LEAVING A NET OF 5.097 ACRES OF LAND, MORE OR LESS.

### SAVE AND EXCEPT TRACT:

A TRACT OF LAND CONTAINING 0.793 OF ONE ACRE SITUATED IN THE CITY OF EDINBURG, COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOT 48, SANTA CRUZ RANCH SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME Z, PAGE 161, HIDALGO COUNTY DEED RECORDS, SAID 0.793 OF ONE ACRE OUT OF A CERTAIN TRACT CONVEYED TO CELSA BRITO OCAMPO BY VIRTUE OF A WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 1388985, HIDALGO COUNTY OFFICIAL RECORDS, SAID 0.793 OF ONE ACRE ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NO. 4 REBAR FOUND ON THE SOUTHEAST CORNER OF LOT 1, EXPRESS PLAZA SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 30, PAGE 11, HIDALGO COUNTY MAP RECORDS;

THENCE, IN A SOUTHWESTERLY DIRECTION, ALONG THE WEST RIGHT-OF-WAY OF EXPRESSWAY 281 AND A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 02° 35' 28", A RADIUS OF 5,731.86 FEET, AN ARC LENGTH OF 259.21 FEET, A TANGENT OF 129.62 FEET, AND A CHORD THAT BEARS S 07° 29' 50" W A DISTANCE OF 259.18 FEET TO A NO. 4 REBAR SET FOR AN ANGLE POINT OF THIS TRACT;

THENCE, S 08° 54' 07" W ALONG THE WEST RIGHT-OF-WAY OF EXPRESSWAY 281, A DISTANCE OF 57.98 FEET TO A NO. 4 REBAR SET FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

- THENCE, S 08° 54' 07" W ALONG THE WEST RIGHT-OF-WAY OF EXPRESSWAY 281, A DISTANCE OF 100.00 FEET TO A NO. 4 REBAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;
- THENCE, N 81° 03' 23" W A DISTANCE OF 345.35 FEET TO A NO. 4 REBAR SET FOR THE SOUTHWEST CORNER OF THIS TRACT;
- THENCE, N 08° 54' 30" E A DISTANCE OF 100.00 FEET TO A NO. 4 REBAR SET FOR THE NORTHWEST CORNER OF THIS TRACT;
- THENCE, S 81° 03' 23" E A DISTANCE OF 345.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.793 OF ONE ACRE OF LAND, MORE OR LESS.

PRINCIPAL CONTACTS NAME ADDRESS CITY & ZIP PHONE FAX  
OWNER: 3BU FAMILY LIMITED PARTNERSHIP 533 N. ALAMO RD. EDINBURG, TX 78539 (---)--- (---)---  
ENGINEER: MARIO A. REYNA, P.E. 115 W. McINTYRE EDINBURG, TX 78541 (956) 381-0981 (956) 381-1839  
SURVEYOR: ROBERTO N. TAMEZ, R.P.L.S. 115 W. McINTYRE EDINBURG, TX 78541 (956) 381-0981 (956) 381-1839

STATE OF TEXAS §  
COUNTY OF HIDALGO §

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS 3BU FAMILY LIMITED PARTNERSHIP, AN ADDITION TO THE CITY OF EDINBURG, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

3BU FAMILY LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP  
BY ITS GENERAL PARTNER: 3BU, L.L.C., A TEXAS LIMITED LIABILITY COMPANY

ARTURO ORTEGA, MANAGER  
533 N. ALAMO ROAD  
EDINBURG, TEXAS 78539

STATE OF TEXAS §  
COUNTY OF HIDALGO §

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, WHO, BEING BY ME, FIRST DULY SWORN AND DECLARED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREBY EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

NOTARY PUBLIC, FOR THE STATE, TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF HIDALGO §

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

DATED THIS THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

TEXAS REGISTRATION F-1435

MARIO A. REYNA, PROFESSIONAL ENGINEER No. 117368  
STATE OF TEXAS

DATE PREPARED: 3/7/2022  
ENGINEERING JOB No. 22065.00

STATE OF TEXAS §  
COUNTY OF HIDALGO §

I, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MISSION, TEXAS.

DATED THIS THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

ROBERT N. TAMEZ, PROFESSIONAL LAND SURVEYOR No. 6238  
STATE OF TEXAS  
DATE SURVEYED: 2-21-2022  
T-997, PG.  
SURVEY JOB # 22314.00

I, \_\_\_\_\_, ADMINISTRATOR / DIRECTOR OF PLANNING AND ZONING DEPARTMENT OF THE CITY OF EDINBURG, TEXAS DO HEREBY CERTIFY THIS MINOR SUBDIVISION PLAT KNOWN AS WHATABURGER - EDINBURG CONFORMS TO ALL SUBDIVISION REQUIREMENTS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED AND HAS BEEN APPROVED FOR RECORDING ON THIS THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_ WITH THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS

ADMINISTRATOR / PLANNING AND ZONING DEPARTMENT DIRECTOR

APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE §49.211 (C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1

RAUL E. SESIN, P.E., C.F.M.  
GENERAL MANAGER

DATE



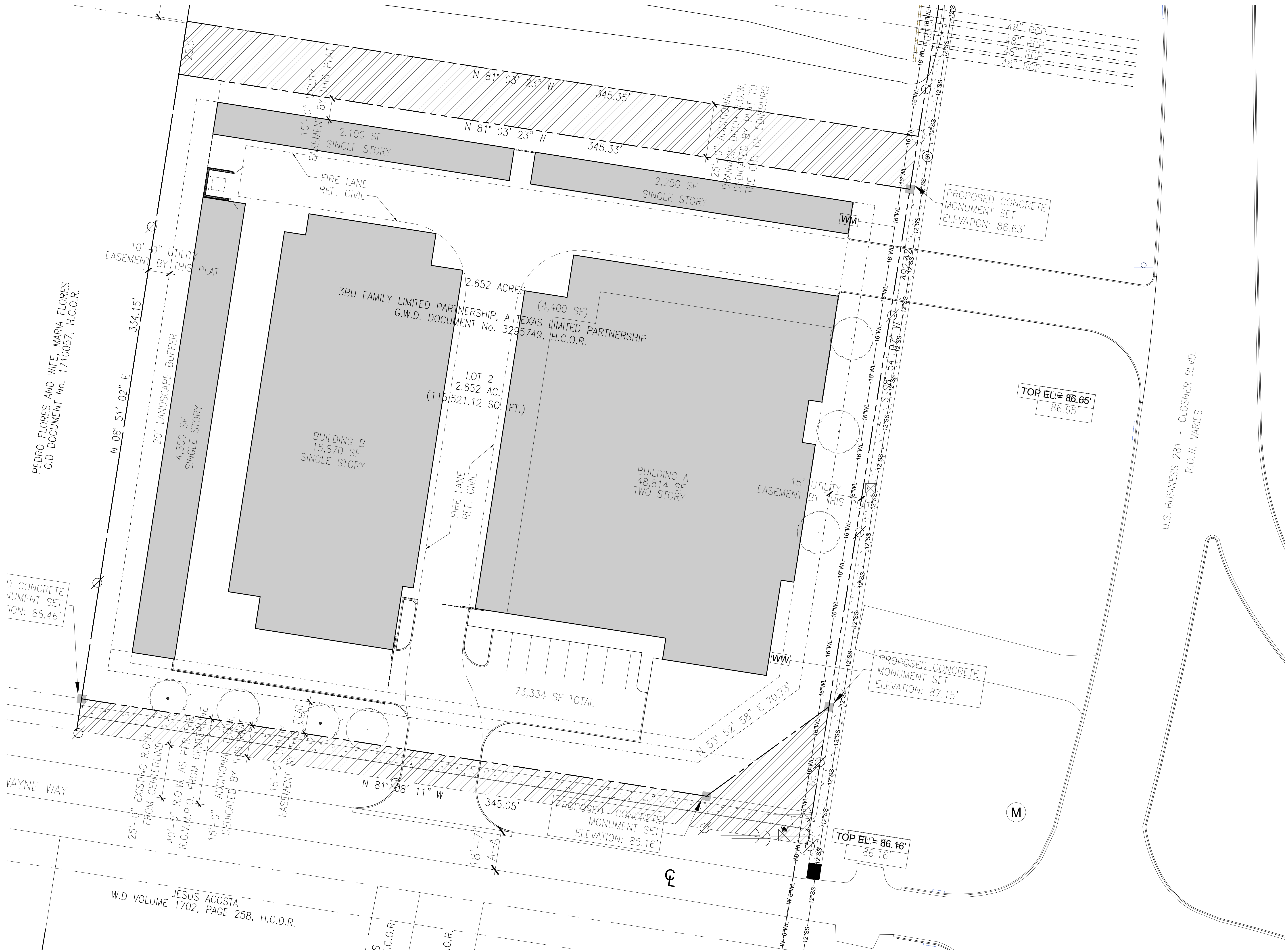
FILED FOR RECORD IN  
HIDALGO COUNTY  
ARTURO GUAJARDO, JR.  
HIDALGO COUNTY CLERK

ON: \_\_\_\_\_ AT \_\_\_\_\_ AM/PM

INSTRUMENT NUMBER \_\_\_\_\_  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY





PEDRO FLORES AND WIFE, MARIA FLORES  
G.D. DOCUMENT No. 1710057, H.C.O.R.

PROPOSED CONCRETE  
MONUMENT SET  
ELEVATION: 86.46'

WAYNE WAY

JESUS ACOSTA  
W.D. VOLUME 1702, PAGE 258, H.C.D.R.

H.C.O.R.

H.C.O.R.

CL

M

U.S. BUSINESS 281 - CLOSER BLVD.  
R.O.W. VARIES

1 SITE PLAN  
SCALE: 1" = 40'

site plan

BACA

100 NORTH TRAVIS STREET  
SUITE NO.500  
SHERMAN, TEXAS 75090  
903.893.5800  
www.BACA.team

SCHEMATIC  
DESIGN  
REVIEW  
NOT FOR REGULATORY  
APPROVAL, PERMITTING, OR  
CONSTRUCTION

NO.	REVISIONS DESCRIPTION	DATE

Edinburg Storage

W. Larry Twayne XXX  
Edinburg, TX 78542

PROJECT NUMBER  
2303  
DATE  
07.27.23  
SHEET NUMBER  
A1.0



**Planning & Zoning**

415 West University Drive Edinburg,  
Texas 78539  
(956) 388-8202



THE CITY OF  
**Edinburg**

**Zoning Variance Application**ENERGOV CASE # VAR-2023-0194Property Owner Name: Arturo Ortega

Owner Contact Information

Mailing Address: 533 N. Alamo Rd Alamo, Tx 78516

Street Address

City/State

Zip Code

Phone (Home): 956-720-4644 (Work): 956-467-8208 (Cell): \_\_\_\_\_Email: victoria@ortegaventures.com

Agent/Applicant Name (if different than Owner): \_\_\_\_\_

Applicant Contact Information

Mailing Address: \_\_\_\_\_

Street Address

City/State

SEP 05 2023 Zip Code

Phone (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): \_\_\_\_\_

Email: \_\_\_\_\_

Property Address for Variance: \_\_\_\_\_ Edinburg, TX

Street Address

City/State

Zip Code

Property Legal Description: 2 Freedom North

Lot

Block

Subdivision

**Being 2.562 acres situated at the intersection of Highway 281 & Larry Twayne Way.**Present Property Zoning: CG- Commercial, General Property ID#: \_\_\_\_\_

Nature of Request (cite all applicable issues needing variance):

**We are requesting to increase the FAR to .75 for this self-storage project.****Reason for Appeal**

Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.

**The FAR for this type of facility is very low. The Owner dedicated land to the City to increase the capacity of the current drainage channel along the north side, and land on the south side to expand the Larry Twayne R.O.W., and in doing so has negatively impacted the amount building area that the Owner can now develop on this property.**

OFFICE USE ONLY:

UDC Section(s) Requiring Variance: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 277591**  
**GONZALEZ ROSA A**  
2820 BRENDA  
EDINBURG, TX 78541-8282

**PID: 543171**  
**RAMIREZ ROLANDO J**  
PO BOX 1578  
EDINBURG, TX 78540-1578

**PID: 543170**  
**RAMIREZ ROLANDO J**  
PO BOX 1578  
EDINBURG, TX 78540-1578

**PID: 543169**  
**RAMIREZ ROLANDO J**  
PO BOX 1578  
EDINBURG, TX 78540-1578

**PID: 543166**  
**RAMIREZ ROLANDO J**  
PO BOX 1578  
EDINBURG, TX 78540-1578

**PID: 277540**  
**CANTU ELENA**  
4117 W SCHUNIOR ST  
EDINBURG, TX 78541-9466

**PID: 277541**  
**GARCIA JOSE ERNESTO**  
4212 N DENKHAUS BLVD  
EDINBURG, TX 78541-1085

**PID: 277546**  
**3BU FAMILY LIMITED PARTNERSHIP**  
533 NORTH ALAMO ROAD  
ALAMO, TX 78516-2307

**PID: 714066**  
**FLORES PEDRO & MARIA**  
211 LARRY TWAYNE WAY  
EDINBURG, TX 78541-1083

**PID: 277558**  
**MARTINEZ ISABEL MATA**  
4216 N DENKHAUS BLVD  
EDINBURG, TX 78541-1085

**PID: 277553**  
**FLORES CONSUELO**  
PO BOX 1104  
EDINBURG, TX 78540-1104

**PID: 277607**  
**ROMERO DANIEL**  
2 S 600 GRAY AVE  
LOMBARD, IL 60148

**PID: 277589**  
**NICO HOLDINGS LTD**  
1216 SUSAN DR  
EDINBURG, TX 78539-7001

**PID: 277587**  
**MORALES JESUS G GOMEZ**  
7708 N 5TH ST  
MCALLEN, TX 78504-1688

**PID: 277592**  
**ACOSTA JESUS**  
204 LARRY TWAYNE WAY  
EDINBURG, TX 78541-1090

**PID: 509735**  
**ACOSTA JESUS & JOSE**  
204 LARRY TWAYNE WAY  
EDINBURG, TX 78541-1090

**PID: 657256**  
**O E INVESTMENTS INC**  
PO BOX 4408  
MCALLEN, TX 78502-4408

**PID: 899345**  
**GLOBAL SIGNAL ACQUISITIONS III LLC**  
PMB 331  
4017 WASHINGTON RD  
MCMURRAY, PA 15317-2510

**PID: 277593**  
**HIWAY DEPARTMENT**  
PO BOX EE  
PHARR, TX 78577



## Planning & Zoning Staff Report

Prepared on: September 15, 2023

### ZONING BOARD OF ADJUSTMENT

Regular Meeting: September 27, 2023

#### Agenda Item

Consider Variance to the City's Unified Development Code, Section 3.102-1, Single-Family Detached Lot And Building Standards, Rear and Front Yard Setbacks, Being Lots 24 and 25, Pearl Estates Subdivision, located at 1209 and 1301 Oscar Street, as requested by Hugo Leal

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#### Request

The applicant is requesting a Variance to Unified Development Code (UDC) Section 3.102-1 as it applies to front and rear yard setbacks for single-family detached residential properties. The Variance requested would allow a 50% reduction to the required rear yard setback for both lots in Pearl Estates Subdivision and a reduction of 2 ft. for the required front yard setback.

#### Property Location and Vicinity

The subject properties are located in the Pearl Estates Subdivision along Oscar Street. This subdivision is located on the north side of West Rogers Road and is approximately 950 ft. east of North Sugar Road. The property is zoned Residential, Primary (RP) District. Adjacent zoning is Residential, Primary (RP) District to the north, south, east and west. The surrounding land uses are single-family residential and vacant land. The subdivision is approximately 1,460 ft. west of Truman Elementary School and approximately 2,725 ft. west of Edinburg North High School.

#### Background and History

The Pearl Estates Subdivision was recorded on April 29, 2022. Plat Note #1 establishes setbacks as follows: 25.00' Front, 6.00' Side, and 20.00' Rear. The property of this subdivision was rezoned from Suburban Residential (S) District to Neighborhood Conservation 5 (NC5) District on July 21, 2020. The setbacks established by the Pearl Estates Subdivision Plat are the same as those set by the NC5 District. The NC5 District was changed to Residential, Primary (RP) District with the UDC update of August 9, 2022. The Rear Yard Setback established for the Residential, Primary (RP) District is 20 ft., the same as required by the NC5 District and the same as required by Plat Note.

Staff mailed a notice of the variance request to 46 neighboring property owners and received no comments in favor or against this request at the time that this report was prepared.

#### Analysis

The applicant submitted a building permit for Lot 25 and 24, Pearl Estates Subdivision on September 22, 2022. The building permit was issued October 20, 2022. On October 5, 2022, the Zoning Board of Adjustments granted 6 other lots within the same subdivision for a reduction of the rear yard setback from 20 ft to 10 ft.



# Planning & Zoning Staff Report

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However, the 2 Lots in this request are not substantially different from the other lots throughout this subdivision. The lots in question are not irregular in any way, and no unusual constraints, conditions, or circumstance relative to the other lots in this subdivision could be found.

None of the Specific Review Criteria required by UDC Section 9.501 have been met for this case. There are no extraordinary or exceptional conditions that apply to the subject properties that are not applicable to other lands or structures in the same district. Granting the Variance would confer on the applicant special privilege that is denied to other lands or structures in the same district. This request is not in keeping with the intent of the UDC or City's Comprehensive Plan.

## **Recommendation**

Staff recommends disapproval of variance request for Lot 24 and Lot 25, Pearl Estates Subdivision. No justification was found for reducing required setbacks.

If approved, the applicant will need to pay a \$40 fee payable to the County of Hidalgo, submitted to the County Clerk's office for the recording of the Zoning Board of Adjustments order on this request, and any other City requirements as applicable.

Prepared by:

**Anaisa Licerio**

Planner II

Approved by:

**Jaime Acevedo**

Director of Planning & Zoning



# Planning & Zoning Staff Report



## UNIFIED DEVELOPMENT CODE

(Ord. No. 2022-4764, 08/09/2022)

### ARTICLE 3 – LOT AND DESIGN STANDARDS

#### Division 3.100, Standards for Rural and Residential Districts

...

#### Sec. 3.102, Standards for Rural and Residential Development

Table 3.102-1 Single-Family Detached Lot and Building Standards							
Zoning District	Lot Area	Lot Width (ft)	Minimum				Maximum
			Street Yard <sup>1</sup> (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Building Height (ft)
Agriculture and Open Space (AO)	5 ac.	330	60	30	30	40 <sup>4</sup>	35 / 60 <sup>2</sup>
Residential, Suburban (RS)	15,000 sf	90	30	15	15	30 <sup>4</sup>	35
Residential, Primary (RP)	5,000 sf	50	20 / 18 <sup>3</sup>	10	6	20 <sup>4</sup>	35
Residential, Multifamily and Urban (RM)	4,000 sf <sup>5</sup>	40 <sup>5</sup>	10 / 18 <sup>3</sup>	10	5 <sup>6</sup>	15	35

#### TABLE NOTES:

<sup>1</sup>Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac/irregular lots.

<sup>2</sup>The second height refers to agricultural structures.

<sup>3</sup>The first number is the house setback; the second is the setback for a front load garage.

<sup>4</sup>For cul-de-sac and irregular lots, the minimum rear yard setback is 15 feet.

<sup>5</sup>If adjacent to an AO or RS district, lots on the perimeter of the subdivision shall meet the lot area and lot width requirements of the RP district.

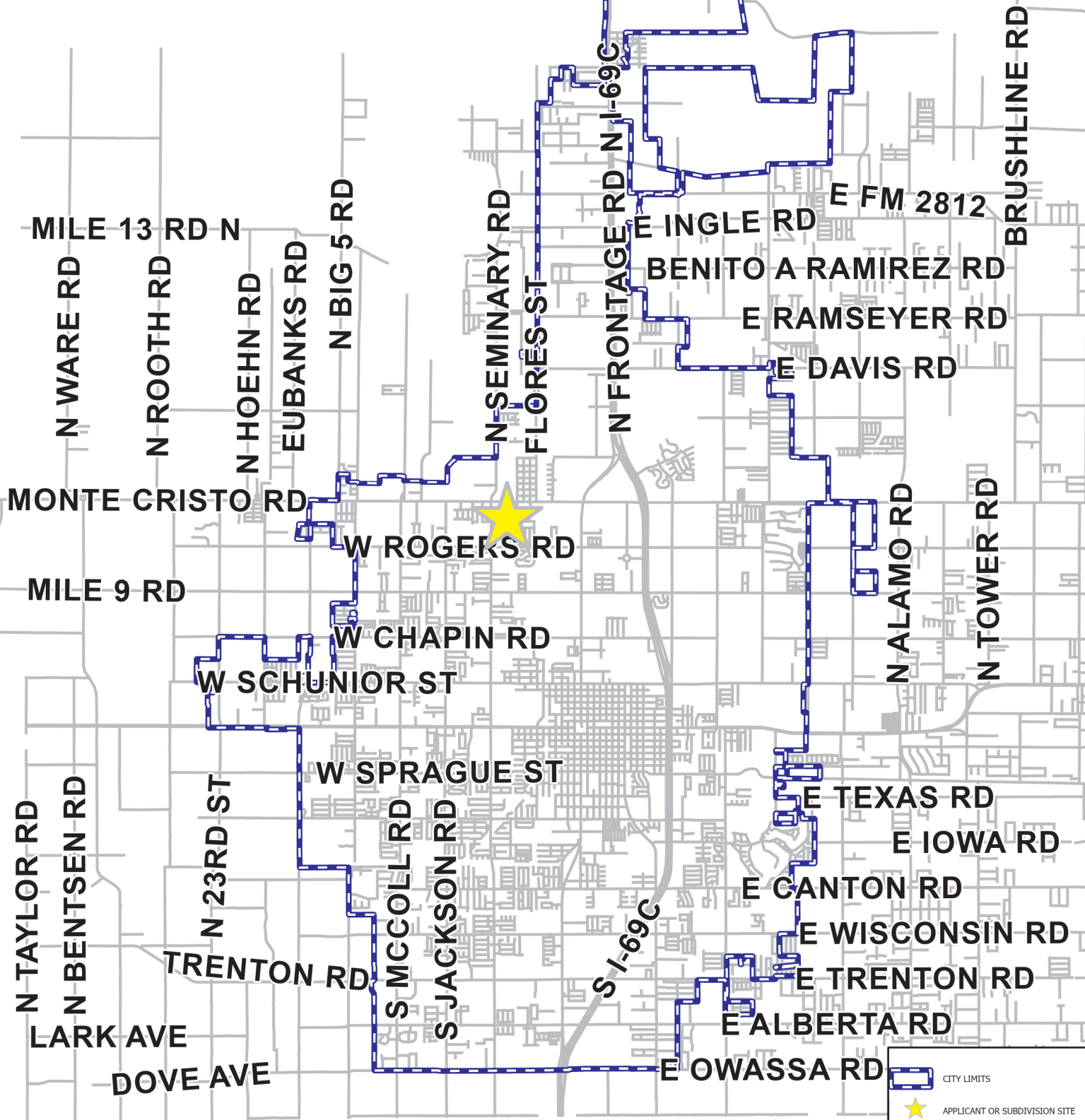
<sup>6</sup>A minimum building separation of 12 feet is required and may be reduced only for structures meeting approved building and fire codes.



FM 490

W FM 490

E FM 490



EDINBURG NEW DEVELOPMENT MAP

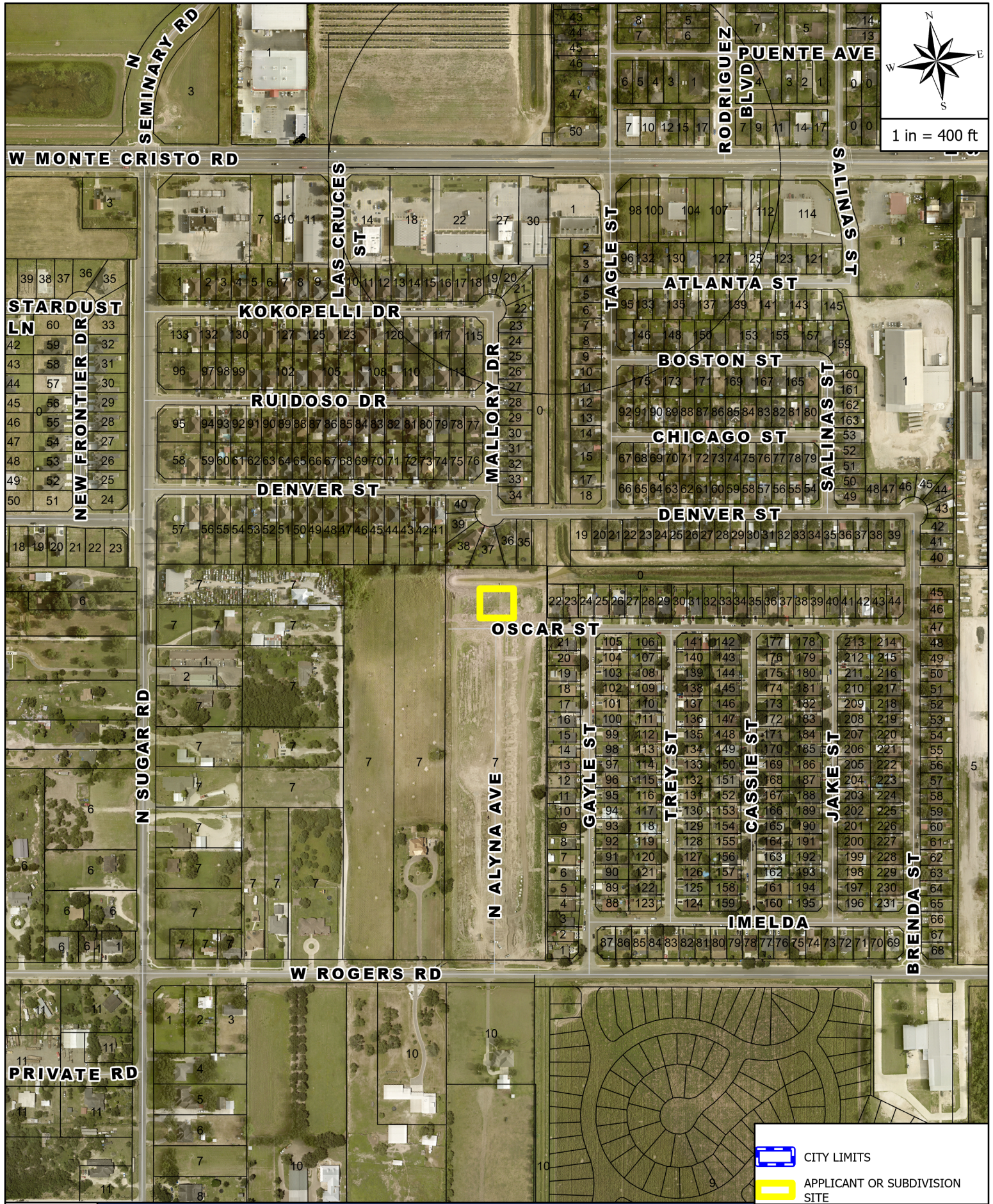
APPLICANT AND/OR SUBDIVISION:

GALLERY HOMES - 1209 OSCAR ST

CITY LIMITS

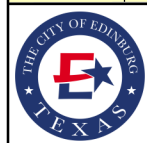
APPLICANT OR SUBDIVISION SITE



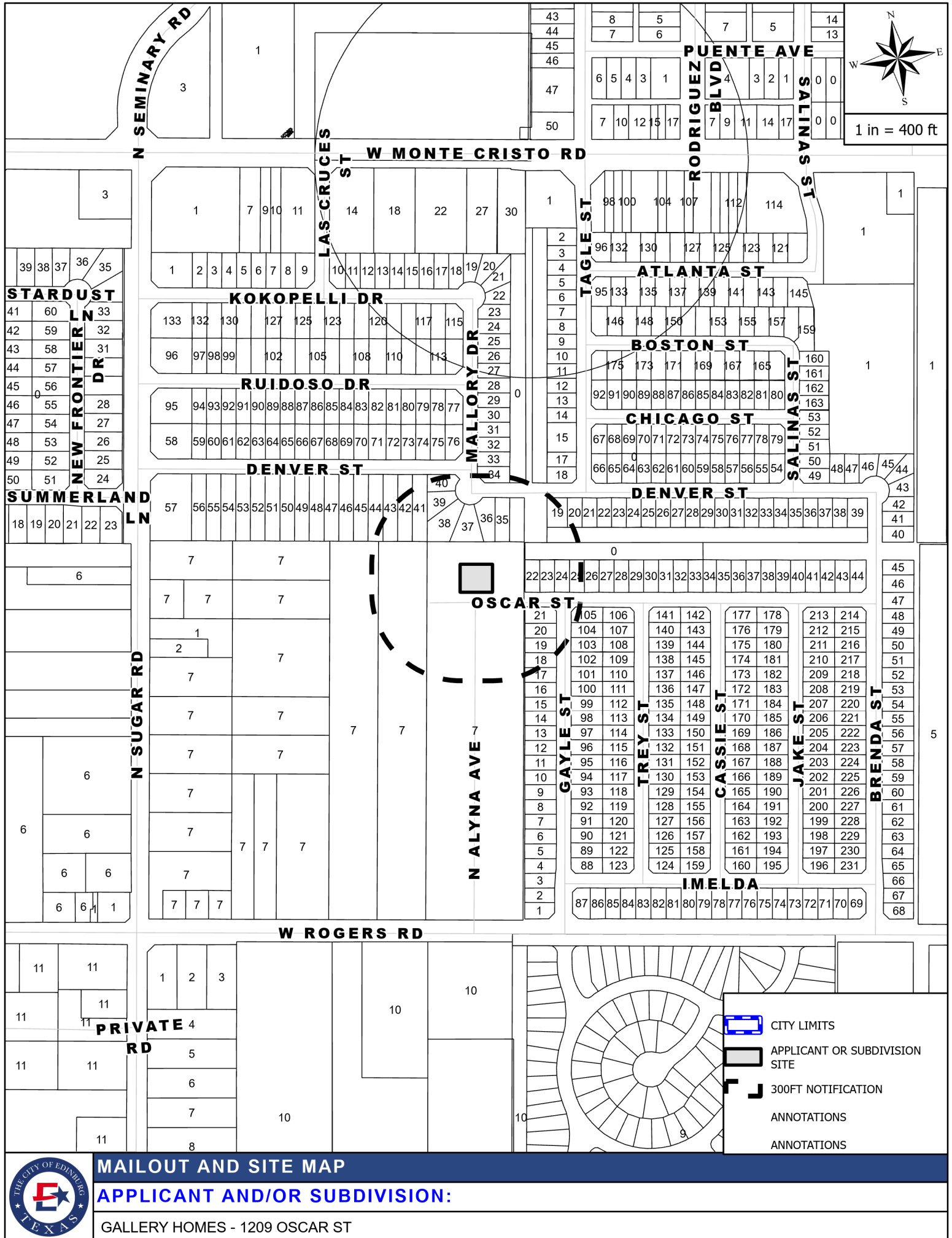


**AERIAL MAP**  
**APPLICANT AND/OR SUBDIVISION:**  
GALLERY HOMES - 1209 OSCAR ST









**MAILOUT AND SITE MAP**

**APPLICANT AND/OR SUBDIVISION:**

GALLERY HOMES - 1209 OSCAR ST





## Site Photo

**Hugo Leal**

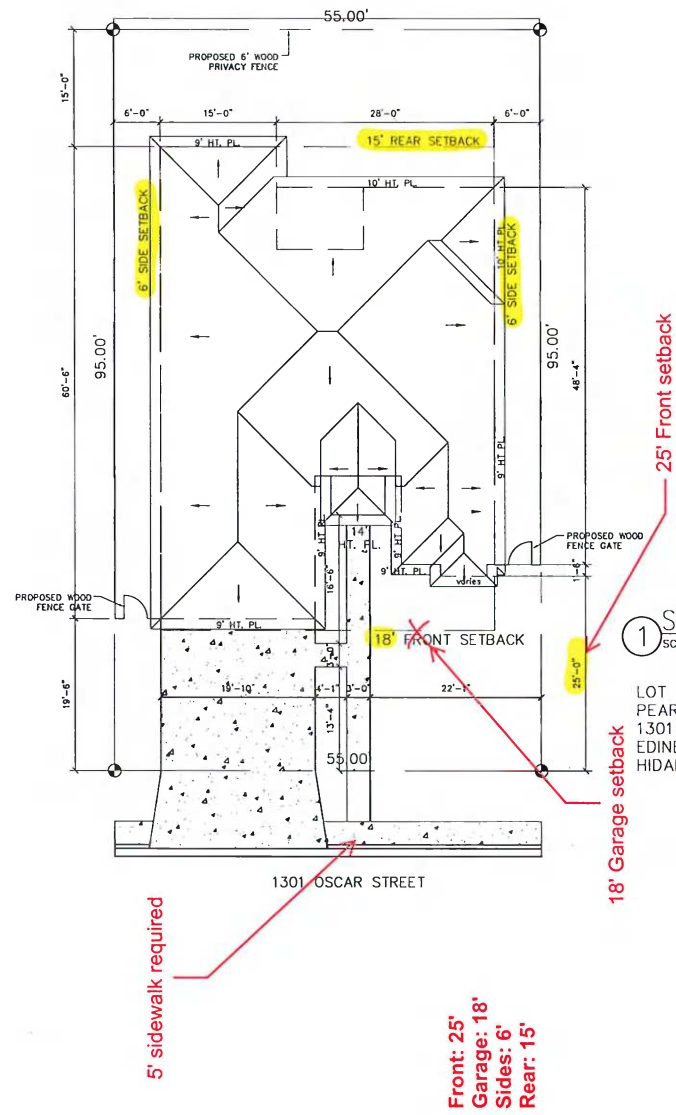
1209 & 1301 Oscar Street





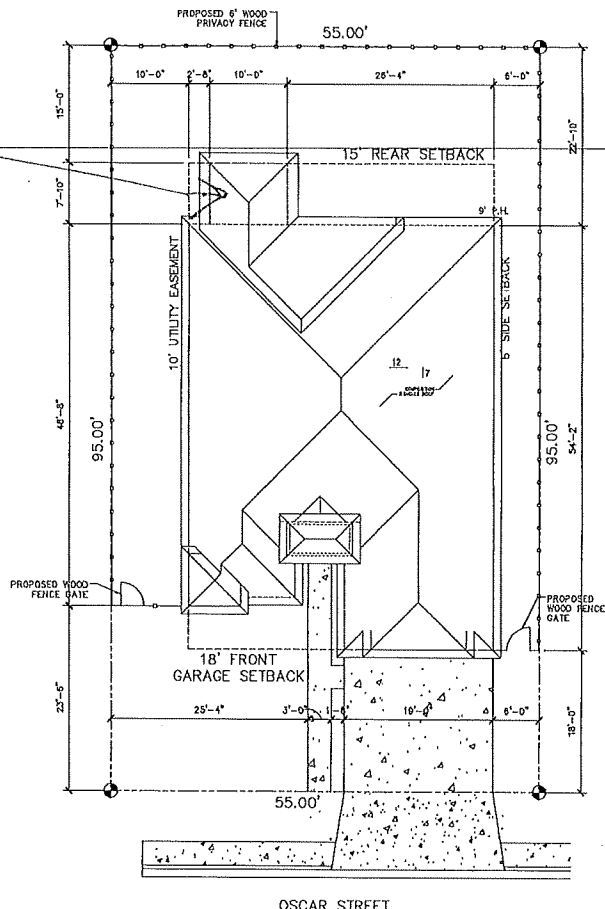
4-29-22 4:30 AM  
INSTRUMENT NUMBER 3334454  
RECORDED IN VOL. PAGE  
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS  
BY: [Signature] DEPUTY







Porch  
FL 09/09/02



① SITE PLAN  
SCALE: 1/16" = 1'-0" NORTH

LOT 25  
PEARL ESTATES SUBDIVISION  
1209 OSCAR STREET  
EDINBURG, TEXAS  
HIDALGO, COUNTY



## Planning &amp; Zoning

415 West University Drive Edinburg,  
Texas 78539  
(956) 388-8202



THE CITY OF  
**Edinburg**

## Zoning Variance Application

ENERGOV CASE # **VAR-2023-0192**

Property Owner Name: Gallery Homes LLC  
Owner Contact Information

Mailing Address: 2615 Benji Cir Edinburg TX 78541  
Street Address City/State Zip Code

Phone (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): 956-522-8646

Email: hugoelcal@icloud.com

Agent/Applicant Name (if different than Owner): \_\_\_\_\_

## Applicant Contact Information

Mailing Address: \_\_\_\_\_  
Street Address City/State Zip Code

Phone (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell): \_\_\_\_\_

Email: \_\_\_\_\_

Property Address for Variance: 1209 Oscar St Edinburg TX 78541  
Street Address City/State Zip Code

Property Legal Description: 24+25 Pearl Estates  
Lot Block Subdivision

Present Property Zoning: Residential Property ID#: \_\_\_\_\_

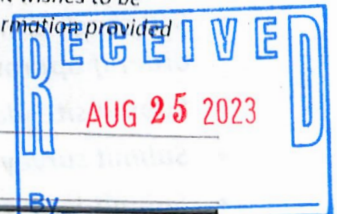
Nature of Request (cite all applicable issues needing variance):

Front setback 18' and rear 10'  
(at garage)

To follow previous variance  
approval for VAR-2022-0132

## Reason for Appeal

Variance will not be granted to relieve personal hardships, to accommodate conditions created by the owner or applicant, and will not be based solely on economic gain or loss. However, if there are circumstances the applicant wishes to be known to the Zoning Board of Adjustment, please list below. Attach additional pages if necessary. Information provided here is not required and does not guarantee approval of this request.



## OFFICE USE ONLY:

UDC Section(s) Requiring Variance: \_\_\_\_\_

Reviewed by: [Signature] Date: \_\_\_\_\_



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 295260**  
**TOVAR JULIO**  
1325 W ROGERS RD  
EDINBURG, TX 78541

**PID: 528592**  
**FACUNDO JUAN FRANCISCO**  
3134 MEYERS AVE  
NEW ERA, MI 49446-9609

**PID: 621232**  
**DEHOYOS JANEY ANN & JESUS MARIA**  
3114 GAYLE  
EDINBURG, TX 78541

**PID: 621231**  
**TCMJR ENTERPRISES LLC**  
PO BOX 360  
EDINBURG, TX 78540

**PID: 653199**  
**CHAVEZ JOSE ARTURO & JOSEFINA**  
**PARROQUIN-DE CHAVEZ**  
2601 SELINA ST  
MISSION, TX 78572-6427

**PID: 653198**  
**ALTAMIRA JUAN P & MARIA**  
3209 MALLORY DR  
EDINBURG, TX 78541

**PID: 653197**  
**MATA TERESITA**  
3205 MALLORY DR  
EDINBURG, TX 78541-7624

**PID: 653196**  
**CEDILLO ANGEL & HOLLY ANN**  
3201 MALLORY DR  
EDINBURG, TX 78541

**PID: 653201**  
**SANCHEZ SERGIO**  
1312 DENVER  
EDINBURG, TX 78541-6002

**PID: 621198**  
**QUINTANILLA JAIME S & ESPERANZA**  
3015 GAYLE  
EDINBURG, TX 78541-6522

**PID: 653194**  
**LOPEZ CARLOS & MARISOL ESCOBAR**  
3631 MONTELONGO RD  
EDINBURG, TX 78541-5512

**PID: 653192**  
**VASQUEZ LUIS A & VIRIDIANA HERNANDEZ**  
3214 MALLORY DR  
EDINBURG, TX 78541-2428

**PID: 653202**  
**AREVALO AUDELIA**  
1318 DENVER  
EDINBURG, TX 78541-6002

**PID: 653200**  
**MENDEZ MARGARITA**  
1306 DENVER  
EDINBURG, TX 78541

**PID: 653195**  
**TREVINO ANGELICA M**  
1214 DENVER ST  
EDINBURG, TX 78541-7495

**PID: 653194**  
**LOPEZ CARLOS & MARISOL ESCOBAR**  
3631 MONTELONGO RD  
EDINBURG, TX 78541-5512

**PID: 653192**  
**VASQUEZ LUIS A & VIRIDIANA HERNANDEZ**  
3214 MALLORY DR  
EDINBURG, TX 78541-2428

**PID: 653202**  
**AREVALO AUDELIA**  
1318 DENVER  
EDINBURG, TX 78541-6002

**PID: 653200**  
**MENDEZ MARGARITA**  
1306 DENVER  
EDINBURG, TX 78541

**PID: 653195**  
**TREVINO ANGELICA M**  
1214 DENVER ST  
EDINBURG, TX 78541-7495



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 621202**  
**HERNANDEZ JASON & JOSE A**  
3113 GAYLE  
EDINBURG, TX 78541-7152

**PID: 621200**  
**UGALDE ABRAHAM G & MARIA C L**  
3023 GAYLE  
EDINBURG, TX 78541-6522

**PID: 621203**  
**GARZA MARIA LUISA**  
1117 OSCAR  
EDINBURG, TX 78541-7895

**PID: 621199**  
**CARDENAS GERARDO & RAQUEL M**  
3004 N URBahn AVE  
LAREDO, TX 78043-1041

**PID: 622309**  
**SALDIVAR ANGELICA M CUSTODIAN FOR**  
609 N MAPLE ST  
ALTON, TX 78573-3861

**PID: 622310**  
**CRISTAN RICARDO & MA ELIZA E**  
1110 DENVER  
EDINBURG, TX 78541-6796

**PID: 622405**  
**HIDALGO CO DRAIN DIST #1**  
902 N DOOLITTLE RD  
EDINBURG, TX 78542-7470

**PID: 653367**  
**HIDALGO CO DRAIN DIST #1**  
902 N DOOLITTLE RD  
EDINBURG, TX 78542-7470

**PID: 621269**  
**HIDALGO CO DRAIN DIST #1**  
902 N DOOLITTLE RD  
EDINBURG, TX 78542-7470

**PID: 1460580**  
**CITY OF EDINBURG**  
PO BOX 1079  
EDINBURG, TX 78540-1079

**PID: 1460607**  
**LEAL HUGO A FLORES & BLANCA O GARCIA**  
2614 DENISE CIR  
EDINBURG, TX 78541

**PID: 1460606**  
**MKM BUILDERS CONSTRUCTION COMPANY LLC**  
3425 WATER OAK  
EDINBURG, TX 78539

**PID: 1460605**  
**GALLERY HOMES LLC**  
2615 BENJI CIR  
EDINBURG, TX 78541

**PID: 1460604**  
**GALLERY HOMES LLC**  
2615 BENJI CIR  
EDINBURG, TX 78541

**PID: 1460603**  
**GALLERY HOMES LLC**  
2615 BENJI CIR  
EDINBURG, TX 78541

**PID: 1460602**  
**LEAL HUGO A FLORES & BLANCA O GARCIA**  
2614 DENISE CIR  
EDINBURG, TX 78541

**PID: 1460601**  
**ROGERS & SUGAR LLC**  
1602 W EXPRESSWAY 83  
ALAMO, TX 78516-3500

**PID: 1460612**  
**QUINTANILLA JAIME SANCHEZ & ESPERANZA LOPEZ DE QUINTANILLA**  
3015 GAYLE  
EDINBURG, TX 78541



**ZONING CASE  
OWNER NOTIFICATION LIST**

**PID: 1460611**  
**MARTINEZ JUAN JOSE**  
22909 SKINNER RD  
EDCOUCH, TX 78538

**PID: 1460610**  
**GALLERY HOMES LLC**  
2615 BENJI CIR  
EDINBURG, TX 78541

**PID: 1460609**  
**GALLERY HOMES LLC**  
2615 BENJI CIR  
EDINBURG, TX 78541

**PID: 1460599**  
**VILLANUEVA PROPERTIES & INVESTMENTS LLC**  
3528 BUDDY OWENS BLVD  
MCALLEN, TX 78504-5465

**PID: 1460600**  
**ROGERS & SUGAR LLC**  
1602 W EXPRESSWAY 83  
ALAMO, TX 78516-3500

**PID: 1460608**  
**M & I QUALITY HOMES LLC**  
2437 XAVIER AVE  
MCALLEN, TX 78504-2193

**PID: 1460597**  
**VILLANUEVA PROPER  
TIES & INVESTMENTS LLC**  
3528 BUDDY OWENS BLVD  
MCALLEN, TX 78504-5465

**PID: 1460598**  
**VILLANUEVA PROPERTIES & INVESTMENTS LLC**  
3528 BUDDY OWENS BLVD  
MCALLEN, TX 78504-5465

# 2023 ATTENDANCE RECORD

## ZONING BOARD OF ADJUSTMENTS MEETINGS

	01/25/23	02/22/23	03/29/23	04/26/23	05/31/23	no meeting	07/26/23	08/30/23				
Ponciano Longoria - Vice Chair	P	P	P	P	P		P	P				
Marc Moran - Chairperson	P	P	A	P	P		P	P				
Michael Cantu - Regular	A	P	P	P	P		P	P				
Ruben Ruiz- Regular		P	P	P	P		P	P				
Eliseo Garza Jr - Regular			P	P	P		P	P				
Diane Teter - Alternate	P	P	A	P	P		P	P				
Gregory A. Vasquez- Alternate	P	P	P	P	A		A	P				
Marc A. Gonzalez- Alternate	P	P	P	P	P		P	P				
Alexandra Rodriguez							P	P				